

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 22 1953

TELETYPE

WASH 21 FROM NEW YORK 22 9-56 PM
DIRECTOR URGENT

Handwritten initials and routing stamp

WILLIAM PERL, WAS, ESP - R, PERJURY. JURY TODAY CONVICTED PERL OF COUNTS ONE AND THREE OF KNOWING JULIUS ROSENBERG AND MORTON SOBELL WITH A RECOMMENDATION OF CLEMENCY. PERL WAS ACQUITTED ON COUNTS TWO AND FOUR, THAT OF KNOWING HELENE ELITCHER AND MIKE AND ANN SIDOROVICH. PERL-S ATTORNEY, RAYMOND L. WISE, REQUESTED THAT PERL BE CONTINUED ON BAIL. AUSA MARTINE OBJECTED TO THIS, ADVISING THE COURT THAT AL SARANT HAD FLED THE COUNTRY AND JOEL BARR WAS MISSING. HE ALSO ADVISED THE COURT THAT MORTON SOBELL HAD FLED TO MEXICO AND HAD BEEN RETURNED TO THE US BY THE MEXICAN POLICE. HE TOLD JUDGE RYAN THAT HE WOULD SUBMIT INFO TO HIM THAT WOULD PROVE THAT PERL WAS ASSOCIATED WITH JULIUS ROSENBERG IN ESPIONAGE. PERL WAS REMANDED BY JUDGE RYAN PENDING SENTENCING ON JUNE FIVE NEXT. JUDGE RYAN REQUESTED THE USA TO SUBMIT TO HIM ALL BUREAU REPORTS AND ANY OTHER INFO THAT MIGHT HAVE A BEARING ON THE SENTENCE TO BE IMPOSED. JUDGE RYAN TOLD PERL THAT HE COULD CONTACT THE JUDGE OR WRITE TO HIM ANY INFO THAT PERL CARED TO THAT WOULD AFFECT THE SENTENCE TO BE IMPOSED.

RECORDED-37

65-59312-829

MAY 28 1953

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CLEVELAND ADVISED

*Airtel to New York
5/26/53
RPL/awn*

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HFC cc Branigan

RECORDED-37

URGENT
AIR-TEL

~~TOP SECRET~~

MAY 26, 1959

MAIL

65-59312-829 SAC, NEW YORK (65-15987)

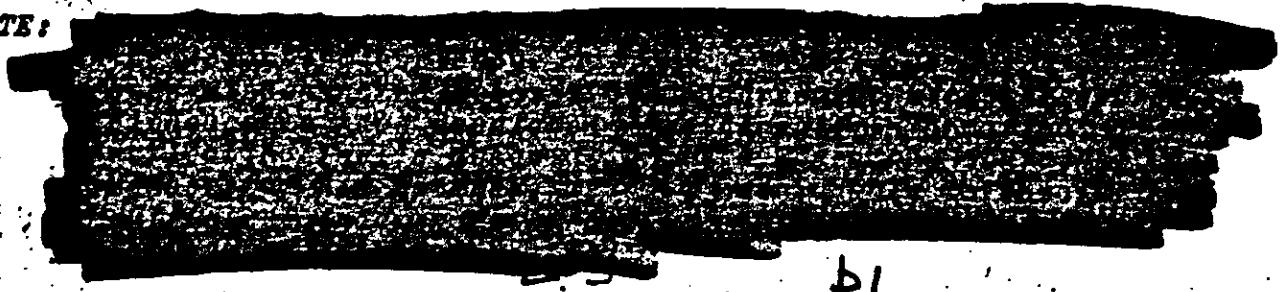
WILLIAM PERL, WAS., ESPIONAGE - R, PERJURY. REURTEL 5-22-59, ADVISING
AUSA MARTIN INFORMED JUDGE RYAN HE WOULD SUBMIT INFORMATION TO HIM
PROVING PERL WAS ASSOCIATED WITH JULIUS ROSENBERG IN ESPIONAGE.
BUAIR-TEL SPECIFIC INFORMATION MARTIN INTENDS GIVING JUDGE RYAN IN THAT
CONNECTION. [u]

HOOVER

65-59312

APL *down down*

NOTE:



b1

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *Classification*
DATE *3/23/78* 1955

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gearty _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Simon _____
- Miss Gandy _____

MAY 26 1959
FBI

Classified by 4913
Exempt from GDS, Category 2
Date of Declassification Indefinite

AP/bja 3-17-78

WHD 28
BM

JUN 3 - 1959
COMM - FBI
MAY 26 1953
MAILED 27

~~TOP SECRET~~

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 16 1953

TELETYPE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Mr. Sizoo	_____
Miss Gandy	_____

Lippert

B...

FBI, NYC

5-16-53

6-52 PM

JCM

DIRECTOR, FBI AND SAC, KANSAS CITY

URGENT

WILLIAM PERL, WA. ESP DASH R, PERJURY. FOR INFO KANSAS CITY SUBJECT SCHEDULED FOR TRIAL ON PERJURY CHARGE, MAY EIGHTEEN, NEXT. AUSA, SDNY, ADVISED HE DESIRES PRODUCTION ORIGINAL CIVILIAN EMPLOYMENT FILE ON MORTON SOBELL FOR EMPLOYMENT AS ENGINEER, THE BUREAU OF ORDNANCE, DEPARTMENT OF NAVY, WASHINGTON, DC, JANUARY TWENTYSEVEN, THIRTYNINE, TO OCTOBER ONE, FORTYONE. THE ST. LOUIS OFFICE OBTAINED INFO FROM MR. BEN F. CUTCLIFFE, CHIEF, FEDERAL RECORDS CENTER, GENERAL SERVICES ADMINISTRATION, ST. LOUIS, MO., THAT THIS FILE AVAILABLE AT KANSAS CITY, AND SUBPOENA DUCES TECUM SHOULD BE DIRECTED TO J. L. HORN BOSTEL, REGIONAL COUNSEL, GSA, ROOM EIGHTEEN ZERO FOUR, FEDERAL OFFICE BUILDING, NINE ONE ONE WALNUT ST., KANSAS CITY, MO., OR HIS AUTHORIZED REPRESENTATIVE. AUSA FORWARDING SUBPOENA DUCES TECUM TO BOSTEL, AMSD, THIS DATE, WHICH WILL REQUIRE PRODUCTION ABOVE FILE BY INDIVIDUAL QUALIFIED TO IDENTIFY SAME, TO APPEAR ROOM FOUR ZERO ONE, US COURT HOUSE, FOLEY SQUARE, NYC, IN CARE OF AUSA ROBERT

165-59312-830
MAY 28 1953

END PAGE ONE JUN 5 1953

RECORDED 27

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PAGE TWO

MARTIN AT NINE AM, TUESDAY, MAY NINETEEN, NEXT. REQUEST KC TO IMMEDIATELY ON RECEIPT THIS TELETYPE ADVISE BOSTEL ABOVE INFO, SO FILE CAN BE LOCATED AND TRAVEL ARRANGEMENTS CAN BE MADE. DETERMINE IF FILE DEFINITELY AT KC, AND IDENTITY OF PERSON TO PRODUCE SAME AT NYC, AND SUTEL IMMEDIATELY AVAILABILITY OF FILE AT KC AND IDENTITY OF PERSON TO APPEAR. AUSA STATES ABOVE SUBPOENA SHOULD ARRIVE KC, SPECIAL DELIVERY, MONDAY, AM, MAY EIGHTEEN, NEXT. EXPEDITE.

BOARDMAN

KANSAS CITY TO BE NOTIFIED

HOLD PLS

65-59312-230

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 18 1953

TELETYPE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Mr. Room	_____
Mr. Holloman	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

B. [Signature]

FBI KANSAS CITY 5-18-53 10-36 AM HD

DIRECTOR FBI AND SAC NY URGENT

WILLIAM PERL, WA, ESP DASH R, PERJURY. RENYTEL MAY SIXTEENTH FIFTYTHREE. J. L. HORN BOSTEL, GENERAL COUNSEL, GSA, KCMO, ADVISED SOBELL EMPLOYMENT FILE PRESENTLY IN ST. LOUIS, HAS ARRANGED FOR IT TO BE SENT TO EUGENE T. BRENNAN, REGIONAL COUNSEL, GSA, ROOM ONE TWO TWO ZERO, TWO FIVE ZERO HUDSON ST. NYC, BY DESIRED TIME. SUBPOENA DUCES TECUM SHOULD BE DIRECTED TO PERSON TO BE NAMED BY BRENNAN, IDENTITY BEING UNKNOWN IN KCMO. RUC.

ROBEY

END AND ACK

WA 12-38 PM OK FBI WA MLT

NY OK FBI NY JLW

VM

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MAY 20 1953

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53 JUN 5 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 16 1953

TELETYPE

Mr. Tolson	
Mr. Ladd	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Gurnea	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

Litton

FBI, NYC

5-16-53

6-58 PM

JCM

DIRECTOR, FBI AND SAC, CLEVELAND

URGENT

WILLIAM PERL, WA. ESP DASH R, PERJURY. RE CLEVELAND TEL, MAY SIXTEEN INSTANT. AUSA SDNY, ADVISED THIS DATE, HE WILL REQUIRE TESTIMONY OF SA LEO H. FRUTKIN, AND POSSIBLY SA JOHN A. HARRINGTON, BOTH OF NYO, CONCERNING INTERVIEWS OF SUBJECT AT CLEVELAND, JULY, NINETEEN FIFTY. REQUEST SA DAVID A. WIBLE BRING TO NY WITH HIM ALL NOTES AND LOGS RE PERL INTERVIEWS AT CLEVELAND BY ABOVE AGENTS.

BOARDMAN

165-59312-832

CLEVELAND TO BE ADVISED

HOLD PLS

MAY 26 1953

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R 28 NOV 22 1955

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 15 1953

TELETYPE

- Mr. Tolson
- Mr. Ladd
- Mr. Nichols
- Mr. Belmont
- Mr. Clegg
- Mr. Glavin
- Mr. Harbo
- Mr. Rosen
- Mr. Tracy
- Mr. Gearty
- Mr. Mohr
- Mr. Winterrowd
- Tele. Room
- Mr. Holloman
- Miss Gandy

WASHINGTON FROM NEW YORK 10 15 9-40 P
DIRECTOR URGENT

WILLIAM PERL, WAS, ESPIONAGE - R, PERJURY. RENTEL MAY FOURTEEN LAST. CORRECT NAME OF PRIEST IDENTIFIED AS WILLIAM J. GORMAN IS WILLIAM J. GORDON. FOR THE CONFIDENTIAL INFO OF THE BUREAU, IT HAS BEEN ASCERTAINED THAT FATHER GORDON IS AN AUGUSTINIAN PRIEST AND WAS ATTACHED TO THE VILLANOVA MONASTERY IN PENNSYLVANIA. HE LEFT THE RELIGIOUS COMMUNITY IN OCTOBER FIFTY TWO AND [REDACTED], BUT DOES RETAIN HIS CLERICAL STATUS. OFFICIALS OF HIS CLERICAL STATUS. OFFICIALS OF HIS ORDER HAVE BEEN LOOKING FOR HIM SINCE OCTOBER FIFTY TWO. HE IS AN EXPERT ON LABOR RELATIONS AND WAS ATTACHED TO CATHOLIC UNIVERSITY AS A LECTURER. HE HAS BEEN DESCRIBED AS SUFFERING FROM [REDACTED]. HE WAS CONTACTED TODAY AT THE RESIDENCE OF HIS SISTER, MRS. HELEN HENDRICKSON, ONE TWENTY THREE NASSAU AVE., MALVERNE. HE ADVISED THAT HE HAD BEEN REQUESTED BY AN ACQUAINTANCE, CAPTAIN HENRY LEITMAN, TO SPEAK WITH WILLIAM PERL ABOUT HIS CASE. HE STATED THAT AFTER SPEAKING WITH BUREAU OFFICIALS, HE WENT TO THE HOME OF CAPTAIN LEITMAN ON MAY EIGHT LAST. HE ADVISED HE WAS DRESSED IN CIVILIAN CLOTHES AND INTRODUCED HIMSELF AS DR. GORDON BECAUSE HE HAS A DOCTORATE. PERL AND HIS WIFE WERE PRESENT TOGETHER WITH CAPTAIN

END PAGE ONE

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WA 10 - PAGE TWO

AND MRS. LEITMAN AND ANOTHER INDIVIDUAL, EMIL D-ANGELICO /PH/,
A PROFESSOR AT WILLIAM AND MARY COLLEGE. HE STATED THAT ON MAY TEN
LAST HE ADVISED PERL OF HIS IDENTITY AND OF LEITMAN-S REQUEST TO
DISCUSS HIS CASE WITH HIM. PERL TOLD HIM THAT ALL THAT HE WANTED WAS
A FAIR TRIAL. HE TOLD FATHER GORDON THAT HE DID NOT KNOW JULIUS
ROSENBERG, BUT THAT HE DID KNOW A COUPLE, THE HUSBAND OF WHICH HE
HAD KNOWN FROM CCNY, AND HAD DECLIN TO IDENTIFY THEM ON THE ADVICE
OF HIS ATTORNEY. HE STATED THAT PERL ADMITTED TO HIM THAT HE KNEW MIKE
AND ANNE SIDOROVICH. HE STATED THAT HE HAD NOTES OF HIS CONVERSATION
WITH PERL. AFTER LOOKING UPSTAIRS, HE ADVISED THAT HE HAD MISPLACED
HIS WALLET WHERE HE KEPT HIS NOTES, BUT STATED THAT HIS RECOLLECTION
OF HIS INTERVIEW WITH PERL IS CORRECT. A FEW MINUTES LATER HE REACHED
INTO HIS POCKET, BROUGHT OUT HIS WALLET, AND SHOWED TO THE AGENTS
A PASS TO CONGRESS AND A CP MEMBERSHIP CARD ISSUED BY ROBERT THOMPSON,
THE NAME ON WHICH WAS ILLEGIBLE. HE STATED THAT HE HAS BEEN
IN CONTACT WITH PERL ON THE PHONE SINCE HIS RETURN FROM SPRING VALLEY
AND THAT PERL TOLD HIM NOT TO DO ANYTHING OFFICIALLY BECAUSE THEY ARE
NOT OF THE SAME RELIGION. HE TOLD THE AGENTS THAT HE KNEW MR. HOOVER
END PAGE TWO

CORR LINE 4 FROM BOTTOM LAST WD SHD BE " BEEN "

65-59312-833

WA 10 PAGE THREE

AND SHOWED A LETTER FROM CONGRESSMAN KIRSTEN TO HIM WHICH SPEAKS OF A CONFERENCE TO BE HAD IN THE NEAR FUTURE WITH PRESIDENT EISENHOWER AND THE AG ON A CERTAIN MATTER, NOT IDENTIFIED. FATHER GORDON ALSO ADVISED THAT HE HAD CONTACTED ONE OF PERL-S LAWYERS, BUT HAD OBTAINED NO INFO FROM HIM. NO INFO WAS VOLUNTEERED BY THE AGENTS TO FATHER GORDON. NO FURTHER CONTACT WILL BE HAD WITH HIM.

BOARDMAN

HLD

65-59312-833

CC: MR. BELMONT
~~AND SUPERVISOR~~
DOM. INTEL. DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 29 1953

TELETYPE

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Ladd	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tracy	<input checked="" type="checkbox"/>
Mr. Gearty	<input checked="" type="checkbox"/>
Mr. Nease	<input checked="" type="checkbox"/>
Mr. Winterrowd	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Mr. Holloman	<input checked="" type="checkbox"/>
Mr. Sizoo	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

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WASH 2 FROM NEW YORK 19 12-45 PM
DIRECTOR URGENT

WILLIAM PERL, WAS, ESP - R. PERJURY. TRIAL SUMMARY AFTERNOON SESSION.
AUSA ROBERT MARTIN MADE OPENING STATEMENT FOR GOVT. READ THE
INDICTMENT AND STATED GOVT. WOULD SHOW BY WITNESSES AND DOCUMENTS
THAT PERL KNOWINGLY LIED BEFORE FGJ AND THAT PERL WAS IN THE YCL IN
CCNY WITH JULIUS ROSENBERG AND MORTON SOBELL. RAYMOND WISE IN OPENING
STATEMENT FOR DEFENSE SAID THAT ISSUE ON WHETHER PERL-S ANSWERS
BEFORE FGJ WERE TRUE DEPENDED ON MANY THINGS, THAT PERL DID NOT
INTENTIONALLY LIE AND TOLD THE TRUTH AS IT APPEARED TO HIM. HE SAID
THE JURY MUST UNDERSTAND THE MAN AND HIS BACKGROUND AND KNOW THE
STATE OF MIND AT THE TIME OF THE TESTIMONY. HE WILL PUT THE DEFENDANT
ON THE STAND AND A COUPLE OF CHARACTER WITNESSES. THE DEFENSE WILL
BE SIMPLE AND THAT HE WILL PROVE THAT PERL ANSWERED TRUTHFULLY WITH NO
MOTIVE TO LIE. AFTER THE OPENING STATEMENTS RAYMOND WISE STIPULATED
THAT THE MINUTES OF THE FGJ OF AUG. EIGHTEEN FIFTY, SEPT. ELEVEN,
FIFTY AND OCT. FOUR, FIFTY ARE COMPLETE MINUTES OF THE FGJ AND ARE TRUE
AND ACCURATE REPORTS OR PERL-S TESTIMONY AT THAT TIME. ACCORDINGLY

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MAY 28 1953

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58 JUN 5 1953

PAGE TWO

THE GRAND JURY MINUTES WERE OFFERED IN TESTIMONY AND AUSA MARTIN READ NUMEROUS EXCERPTS THEREFROM INCLUDING PERL-S ANSWERS DENYING KNOWLEDGE OF MORTON SOBELL, JULIUS ROSENBERG, HELENE ELLITCHER AND MICHAEL AND ANNE SIDOROVICH. HE READ QUESTIONS AND PERL-S ANSWERS CONCERNING VIVIAN GLASSMAN-S TRIP TO CLEVELAND IN JULY, FIFTY WITH INSTRUCTIONS TO PERL TO LEAVE THE COUNTRY AND HER OFFER OF MONEY. PERL-S ANSWER BEFORE THE FGJ WAS THAT HE WAS UPSET, DID NOT UNDERSTAND WHAT IT WAS ABOUT, AND TOLD HER TO GO. MENTION WAS MADE OF THE FACT THAT SHE WROTE THE NAME JULIUS ROSENBERG ON A PIECE OF PAPER WITH HER INSTRUCTIONS. PERL-S ANSWER WAS THAT HE HAD DESTROYED THE PAPER IN ANSWER TO AN IMPULSE TO ERASE OUT MEMORY OF HER VISIT. A QUESTION WAS READ ASKING PERL TO EXPLAIN HOW SOBELL HAD USED PERL AS A REFERENCE WHEN HE SOBELL, APPLIED FOR A POSITION AT GENERAL ELECTRIC. PERL-S ANSWER WAS THAT HE DID NOT KNOW WHY. RAYMOND WISE CONCEDED AND STIPULATED PHOTOGRAPHS OF INDIVIDUALS SHOWN TO PERL AT FGJ WERE THE ACTUAL PHOTOGRAPHS SHOWN TO PERL AND WERE TRUE PHOTOGRAPHS OF THE INDIVIDUALS. JUDGE RYAN ASKED WISE IF HE

END OF PAGE TWO

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PAGE THREE

DESIRED TO READ PORTIONS OF THE GJ MINUTES TO THE PETIT TRIAL JURY AND WISE ASKED FOR SOME ADDITIONAL TIME TO STUDY THEM. JUDGE RYAN GAVE HIM UNTIL TOMORROW MORNING. RANDOLPH S. MERRILL, FOREMAN OF OCT., FIFTY FGJ WAS SWORN IN. BUT WISE STIPULATED AND CONCEDED THAT THE QUESTIONS ASKED PERL AT FGJ WERE MATERIAL. JUDGE RYAN RULED AS A MATTER OF LAW THAT A FOREMAN OF FGJ IS DULY POINTED BY LAW TO ADMINISTER OATHS. WISE TOOK EXCEPTION TO THE JUDGE-S RULING. IN CROSS EXAMINATION MERRILL STATED THAT PERL APPEARED BEFORE FGJ VOLUNTARILY AND AS A WITNESS FOR THE GOVT., NOT AS A DEFENDANT. TRIAL WILL RESUME TEN AM TUESDAY MORNING.

BOARDMAN

HFC

65-59312-834

Mr BELMONT

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

Transmit the following Teletype message to: BUREAU AND NEW YORK

FBI CLEVELAND 5-16-53

DIRECTOR FBI (65-59312), SAC NEW YORK (65-15387)

U R G E N T

WILLIAM PERL, WA., ESP - R; PERJURY. RE NY TEL MAY 14, 1953, AND
RE MY AIRTEL MAY 15, 1953. H. BURTON BRACY, SECURITY OFFICER, NACA,
CV, CONTACTED THIS DATE AND AGREED TO CONFIDENTIALLY FURNISH NAMES
OF ANY INDIVIDUALS AT NACA WHO MIGHT BE TESTIFYING ON BEHALF OF THE
DEFENSE. HE STATED THERE HAVE BEEN NO RECENT INDICATIONS THAT ANYONE
HAS BEEN APPROACHED. BU AND NY WILL BE ADVISED.

MC CABE

END

FILE:rlk

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65-59312-835

MAY 18 1953

AIR TEL

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

53 JUN 5 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 19 1953

TELETYPE

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Harbo	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Gurnea	✓
Mr. Mohr	✓
Mr. Winterrowd	✓
Mr. Holloman	✓
Mr. Nease	✓
Mr. Pennington	✓
Mr. Quinn	✓
Mr. Nease	✓
Mr. Gandy	✓

L. Hunt

Parzen

WASHINGTON FROM NEW YORK 26 19 11-48 P
DIRECTOR U R G E N T

WILLIAM PERL, ESPIONAGE DASH R, PERJURY. TRIAL SUMMARY AFTERNOON SESSION. MILTON M. KLEIN TESTIFIED HE HAS KNOWN PERL FROM NINETEEN THIRTY TWO TO NINETEEN FIFTY, HAVING FIRST MET HIM IN HIGH SCHOOL. THAT HE KNEW PERL SOCIALLY AND HAD REMAINED A FRIEND OF HIS THROUGH THE YEARS. THAT HE KNEW MOPTON SOBELL AND JULIUS ROSENBERG AT CCNY FROM NINETEEN THIRTY FOUR TO NINETEEN THIRTY EIGHT AND HAD ATTENDED TWO YCL MEETINGS AND HAD SEEN WILLIAM PERL, JULIUS ROSENBERG AND SOBELL AT THESE MEETINGS. THAT IN THE LAST TWO YEARS AT CCNY HE RECALLED SEEING PERL, ROSENBERG, SOBELL, JOEL BARR, WILLIAM DANZINGER AND MAX ELITCHER IN A GROUP IN GENERAL SCHOOL ACTIVITIES ON NUMEROUS OCCASIONS. THAT AFTER GRADUATION IN NINETEEN FORTY HE, KLEIN, WENT TO WASHINGTON, D. C. IN NINETEEN FORTY ONE IN WASHINGTON D. C. WHILE LIVING WITH ONE PHILIP PARZEN, HE RECEIVED A COMMUNICATION THAT PERL WAS COMING FROM LANGLEY FIELD TO VISIT THEM. THAT DURING THE VISIT PERL TOLD HIM HE HAD RECENTLY VISITED MAX ELITCHER AND MORTON SOBELL.

THAT ON ANOTHER OCCASION IN FEBRUARY NINETEEN FORTY TWO, PERL TOLD
END PAGE ONE

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S. [unclear]

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PAGE TWO

HIM THAT MORTON SOBELL HAD RECEIVED A GOOD DEAL AT THE UNIVERSITY OF MICHIGAN. THAT IN THE SUMMER OF NINETEEN FORTY EIGHT IN CLEVELAND, OHIO, PERL TOLD HIM THAT HE WAS INTERESTED IN SECURING A NINETEEN FORTY OR NINETEEN FORTY ONE STUDEBAKER AUTOMOBILE IN THE EIGHT HUNDRED OR NINE HUNDRED PRICE RANGE AND WAS CHECKING NEWSPAPER ADS. THAT IN JULY NINETEEN FIFTY IN CLEVELAND, OHIO HE CONVERSED WITH PERL AND PERL TOLD HIM THAT THE FBI WAS FOLLOWING HIM BECAUSE HE WAS INVOLVED WITH JULIUS ROSENBERG. IN CROSS EXAMINATION HE TESTIFIED THAT THE LAST TIME HE SAW PERL AND SOBELL TOGETHER WAS IN NINETEEN THIRTY EIGHT, THE LAST TIME HE SAW PERL AND JULIUS ROSENBERG WAS IN NINETEEN THIRTY EIGHT. THAT HE HAD SEEN AND TALKED TO PERL IN CLEVELAND AFTER AUGUST NINETEEN FIFTY, THAT IN SEPTEMBER NINETEEN FIFTY IN NYC PERL HAD MENTIONED TO HIM THAT HE, PERL, TESTIFIED BEFORE FGJ AND PERL ASKED HIM WHAT THE FBI QUESTIONED HIM, KLEIN, CONCERNING PERL, BUT PERL DID NOT DISCUSS THE FGJ TESTIMONY WITH HIM. THAT HE HAD MET RAYMOND WISE, PERL-S ATTORNEY, BEFORE AT WISE-S LAW OFFICE AND HAD SAID HE WAS WILLING TO BECOME A CHARACTER WITNESS FOR PERL BECAUSE PERL WAS A

END PAGE TWO

65-59312-936

WA 26 PAGE THREE

FRIEND OF HIS BUT DID NOT THINK HE WOULD BE A GOOD CHARACTER WITNESS BECAUSE THAT PERL-S CCNY YCL ACTIVITIES MIGHT COME OUT. KLEIN ADMITTED IN NINETEEN FIFTY HE TOLD FBI AGENTS THAT HE WAS ONLY VAGUELY FAMILIAR WITH JULIUS ROSENBERG AND IN RESPONSE TO A QUESTION FROM JUDGE RYAN, QUOTE DID YOU LIE AT THAT TIME END QUOTE ANSWERED HE DID NOT COMPLETELY TELL THE TRUTH. DR. JACK SHAPIRO, KINGS COUNTY HOSPITAL, TESTIFIED HE ATTENDED CCNY IN NINETEEN THIRTY FIVE TO NINETEEN FORTY AND HAD : SUBSEQUENTLY BECOME A M. D. THAT HE KNEW JULIUS ROSENBERG, MORTON SOBELL AND WILLIAM PERL AT CCNY IN NINETEEN THIRTY AND NINETEEN THIRTY EIGHT. THAT IN THE FALL OF NINETEEN THIRTY SEVEN AND SPRING NINETEEN THIRTY EIGHT HE ATTENDED TEN TO TWELVE MEETINGS OF THE STEINMETZ CLUB, WHICH WAS AFFILIATED WITH THE YCL. HE NAMED THE FOLLOWING INDIVIDUALS . AS IN ATTENDANCE. JULIUS ROSENBERG, WILLIAM PERL, MORTON SOBELL, NATHAN SUSSMAN, STANLEY RICH, HENRY SHOIKET, JOEL BARR, GERALD SMOLIAR, ABE EMMER, MORRIS BAYLEN. HE TESTIFIED THAT AN AVERAGE OF TEN TO FIFTEEN INDIVIDUALS REGULARLY ATTENDED THESE MEETINGS. THAT JULIUS ROSENBERG DIRECTED AND LED DISCUSSIONS AT THE MEETINGS AND THAT HE RECALLED HEARING PERL SPEAK ON AT LEAST ONE OCCASION. IN CROSS
END PAGE THREE

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WA 26 PAGE FOUR

EXAMINATION HE TESTIFIED THAT HE LAST SAW PERL WITH JULIUS ROSENBERG IN NINETEEN THIRTY NINE OR NINETEEN FORTY AND HAD LAST SEEN PERL WITH MORTON SOBELL IN NINETEEN THIRTY NINE OR NINETEEN FORTY. THAT HE COULD NOT FOR CERTAIN PLACE ALL THREE TOGETHER AT THE SAME TIME. HELENE ELITCHER TESTIFIED THAT SHE MET MORTON SOBELL IN SCHNECTADY, NEW YORK IN JUNE, NINETEEN FORTY THREE AND MET JULIUS ROSENBERG IN WASHINGTON, D. C. IN JUNE, NINETEEN FORTY FOUR. THAT SHE KNOWS WILLIAM PERL AND HAD MET HIM AT NYC WHILE VISITING IN THE SUMMER OF NINETEEN FORTY FOUR. DURING THIS VISIT SHE MET JULIUS L ROSENBERG ON A STREET CORNER IN MANHATTAN WITH HER HUSBAND AND SISTER, RUTH ALSCHER, AND THAT SHORTLY THEREAFTER PERL JOINED THEM WITH HIS YOUNGER BROTHER NAMED SAM. THE GROUP WENT WALKING LOOKING FOR THE EL FORNOS RESTAURANT AND AFTER LOCATING SAME WERE NOT ADMITTED BECAUSE THE MEN IN THE GROUP HAD NO TIES. THAT THEY CONTINUED ON AND FINALLY WENT TO THE BIRD IN HAND RESTAURANT. THAT JULIUS ROSENBERG DURING DINNER MADE A TELEPHONE CALL TO JOEL BARR, WHO LATER JOINED THE GROUP. THAT FROM THERE THEY WENT TO JOEL BARR-S HOUSE VIA TROLLEY CAR AND WENT UP TO HIS APARTMENT. THAT THIS GROUP CONSISTED OF HERSELF, MAX ELITCHER, RUTH ALSCHER, JULIUS ROSENBERG, WILLIAM PERL, SAM PERL AND JOEL BARR. THAT THEY STAYED UNTIL MIDNIGHT, AT WHICH TIME THEY TOOK RUTH ALSCHER HOME VIA TAXI CAB AND ALL PROCEEDED TO

END PAGE FOUR

65-59312-836

WA PAGE FIVE

AL SARANT-S APARTMENT ON MORTON STREET, NYC. THAT THEY REMAINED AT SARANT-S APARTMENT FOR ABOUT ONE HOUR AND ALL LEFT. SHE AGAIN SAW PERL CHRISTMAS NINETEEN FORTY SIX IN NYC AT WHICH TIME SHE AND HER HUSBAND MET JULIUS ROSENBERG AND WENT TO THE BLUE MILL RESTAURANT WHERE THEY WERE JOINED BY JOEL BARR AND WILLIAM PERL. LATER MORTON AND HELEN SOBELL JOINED THE GROUP AND ALL HAD DINNER TOGETHER. THEY THEN PROCEEDED TO JULIUS ROSENBERG-S APARTMENT AND SHE RECALLED WALKING WITH PERL AND THAT HE MENTIONED A GIRL FRIEND IN CLEVELAND. THEY WENT TO THE APARTMENT AND SHE MET ETHEL ROSENBERG AND RECALLED A CONVERSATION CONCERNING HOLIDAYS AND SMALL CHILDREN. SHE TESTIFIED THAT SHE AGAIN SAW PERL IN SEPTEMBER NINETEEN FIFTY IN AN ANTEROOM OF THE US COURTHOUSE. SHE STATED THAT SHE HAD BEEN SITTING THERE WHEN PERL ENTERED AND THAT PERL DID NOT APPEAR TO NOTICE HER. THAT LATER THE SAME DAY SHE MET PERL AT AN ELEVATOR IN THE PRESENCE OF THREE FEDERAL AGENTS AND USA MYLES LANE. ONE OF THE AGENTS ASKED PERL DO YOU RECOGNIZE THIS LADY AND PERL STATED YOU ARE MRS. ELITCHER. SHE ASKED HIM WHY HE HAD NOT SPOKEN TO HER PREVIOUSLY AND HE SAID HE WAS INHIBITED. THE DEFENSE STATED THEY DID NOT DESIRE TO CROSS EXAMINE HELENE ELITCHER. USA ADVISED JUDGE RYAN THAT THE GOVERNMENT WILL PROBABLY REST ITS CASE AFTER TOMORROW MORNING-S SESSION. MR. WISE STATED THAT HE WILL PUT

END PAGE FIVE

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WA 26 PAGE SIX

WILLIAM PERL ON THE STAND AND PRESENT TWO CHARACTER WITNESSES. JUDGE RYAN THEN STATED HE WOULD PLAN FOR THE ATTORNEYS TO SUMMARIZE THEIR CASES THURSDAY, AND THAT HE WOULD CHARGE THE JURY FRIDAY. TRIAL WILL CONTINUE TOMORROW A. M.

BOARDMAN

HLD

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

65-59312-836

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 29 1953

TELETYPE

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Gandy	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Mr. Sizoo	
Miss Gandy	

Liberty

WASH 18 FROM NEW YORK 19 9-06 PM
DIRECTOR URGENT

WILLIAM PERL, ESP - R, PERJURY. TRIAL SUMMARY MORNING SESSION. TRIAL CONTINUED TEN AM TODAY. MAX ELITCHER TESTIFIED THAT HE KNEW PERL, SOBELL, AND JULIUS ROSENBERG, HAVING MET THEM AT CCNY AND ATTENDED CLASSES WITH THEM. TESTIFIED THAT SOBELL WAS CALLED MORTIE, AND HIS FATHER HAD A DRUGSTORE IN THE BRONX, NY. THAT HE SAW PERL IN THE COMPANY OF ROSENBERG AND SOBELL THREE OR FOUR TIMES A WEEK AT COLLEGE, IN CLASSROOMS, LUNCHROOMS, AND HALLWAYS. THAT AFTER COLLEGE, ELITCHER WENT TO WASHINGTON, DC, AND WAS EMPLOYED WITH THE BUREAU OF ORDNANCE, NAVY DEPT., AND LIVED WITH SOBELL FROM THIRTYNINE TO FORTYONE. THAT HE WAS FAMILIAR WITH PERL-S HANDWRITING FROM SCHOOL NOTES HE HAD BORROWED, AND THAT WHILE LIVING WITH SOBELL, HE SAW LETTERS WRITTEN TO SOBELL FROM PERL. THAT HE SAW PERL IN WASHINGTON IN FORTYONE, WHEN PERL CAME TO SEE SOBELL AND HIMSELF, DURING WHICH TIME HE, SOBELL, AND PERL HAD LUNCH AND A GENERAL CONVERSATION. THAT SOBELL LEFT WASHINGTON IN SEPT. FORTYONE AND RESIGNED FROM THE BUREAU OF ORDNANCE TO GO TO THE UNIV. OF MICHIGAN AND CONTINUE HIS STUDIES.

THAT SOBELL WAS EARNING TWENTYSIX HUNDRED DOLLARS PER ANNUM AT THE BUREAU OF ORDNANCE. THAT IN THE SPRING OF FORTYFOUR ELITCHER AND HIS

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PAGE TWO

WIFE, HELENE, WHILE VISITING NYC, WERE VISITED BY JULIUS ROSENBERG AND THAT HE, HIS WIFE HELENE, AND SISTER IN LAW, RUTH ALSCHER, MET JULIUS ROSENBERG AT THE CORNER OF FORTYSECOND ST. AND EIGHTH AVE., NYC, AND WITHIN A FEW MINUTES WERE JOINED BY PERL AND PERL-S BROTHER, SAM. AT THIS TIME HE INTRODUCED PERL TO HIS WIFE AND SISTER IN LAW, AND THE GROUP WENT TO THE BIRD IN HAND RESTAURANT FOR DINNER. THAT AFTER DINNER THEY WERE JOINED BY ONE, JOEL BARR, AND THAT THEY PROCEEDED TO JOEL BARR-S PENTHOUSE APARTMENT AND HAD A PARTY. THAT AFTER THE PARTY THEY DROPPED OFF RUTH ALSCHER, AND HE, HELENE, JULIUS ROSENBERG, PERL, AND BARR WENT TO THE APARTMENT OF ONE, ALFRED SARANT, LOCATED AT MORTON ST., NYC, WHERE THEY PLAYED RECORDS AND HAD A GENERAL CONVERSATION. THAT ABOUT CHRISTMAS FORTYSIX, HE, ELITCHER HIS WIFE HELENE, JOEL BARR, AND PERL WENT TO DINNER AT THE BLUE MILL RESTAURANT, NYC, AND WERE LATER JOINED BY MORTON SOBELL AND MRS. SOBELL. LATER THAT EVENING, THEY ALL WENT TO JULIUS ROSENBERG-S HOME AND MET ETHEL ROSENBERG. DURING A GNERAL CONVERSATION, PERL DISCUSSED HIS THEORIES ON BRINGING UP CHILDREN. IN CROSS EXAMINATION, MAX ELITCHER ADMITTED HE WAS A MEMBER OF CP FROM THIRTYNINE TO FORTYEIGHT, AND THAT HE FAILED TO INDICATE THIS ON A NAVY LOYALTY QUESTIONNAIRE. THAT IN FORTYFOUR, JULIUS ROSENBERG ASKED HIM FOR INFO FOR THE SOVIET UNION, AND IT WAS NOT UNTIL FIFTY THAT HE TOLD THE FBI. THAT

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END OF PAGE TWO

PAGE THREE

HE HAD NEVER BEEN INDICTED FOR THIS OFFENSE. PETER PREHN, ASST. REGISTRAR, CCNY, PRODUCED SCHOLASTIC RECORDS OF ROSENBERG, SOBELL, AND PERL, AND A CLASSROOM CHART REFLECTING COMMON CLASSES OF THE THREE FROM THIRTYFOUR TO THIRTYEIGHT. THE CHART REFLECTED PERL AND SOBELL TOOK EIGHT COURSES TOGETHER, AND PERL AND JULIUS ROSENBERG TOOK TWO COURSES TOGETHER. HILDING DAHLGREN, SA, FBI, WAS SWORN AS WITNESS, BUT DEFENSE CONCEDED QUALIFICATIONS AND CONCEDED THAT FOUR DOCUMENTS CONTAINING HANDWRITING SPECIMENS AND TWO QUESTIONED DOCUMENTS WERE ALL WRITTEN BY PERL. AUSA THEN READ THE QUESTIONED DOCUMENTS TO THE JURY, ONE OF WHICH WAS DATED FEB. FOUR, FORTY, AND CONTAINED A SENTENCE THAT, MY FRIEND CAME DOWN FROM WASHINGTON, THE BOY WHO OWNS THE DRUGSTORE, SOBELL, LOOKING FOR A NEW JOB. THE OTHER, A LETTER DATED OCT. THREE, FORTYONE, CONTAINING A SENTENCE THAT, A FRIEND OF MINE JUST QUIT A TWENTYSIX HUNDRED DOLLAR JOB TO GO BACK TO SCHOOL AND STUDY RADIO. NO CROSS EXAMINATION. PORTIONS OF SOBELL-S PERSONNEL FILE WERE THEN OFFERED IN EVIDENCE WITHOUT OBJECTION, REFLECTING HE RESIGNED FROM US NAVY, BUREAU OF ORDNANCE OCT. ONE, FORTYONE TO PURSUE STUDIES, AND THAT HE WAS EMPLOYED AS ASST. ENGINEER, TWENTYSIX HUNDRED DOLLARS PER ANNUM. EDWARD GROESBECK, ASST. REGISTRAR, UNIV. OF

END OF PAGE THREE

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PAGE FOUR

MICHIGAN, PRODUCED THE STUDENT RECORD OF MORTON SOBELL. DEFENSE CONCEDED THAT SOBELL WAS STUDENT AT THE UNIV. OF MICHIGAN FROM SEPT. FORTYONE TO JUNE FORTYTWO. MILTON M. KLEIN HAD JUST BEGUN TO TESTIFY WHEN COURT RECESSED FOR LUNCH. SA HILDING DAHLGREN WILL REMAIN NYC THROUGH THURSDAY TO BE USED AS REBUTTAL WITNESS.

BOARDMAN

END

.NY R 18 WA SMS

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CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 21 1953

TELETYPE

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WASH 5 FROM NEW YORK 21 12-15 AM PM
DIRECTOR URGENT

WILLIAM PERL, WA., ESP R, PERJURY. GOVERNMENT RESTED ONE PM
THIS DATE. ANTICIPATED DOKEY HILDING L. DAHLGREN AND SA DAVID
A. WIBLE WILL BE RELEASED FOR RETURN ON MAY TWENTY ONE NEXT,
LATE AFTERNOON. USA HAS REQUESTED THEIR PRESENCE FOR POSSIBLE
REBUTTAL AFTER CROSS EXAMINATION OF DEFENDANT.

Handwritten file number: 165-59312-838

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MAY 26 1953

BOARDMAN

CLEVELAND ADVISED

END AND ACK

MAY 25 WA ELR
MAY 8 1953

Handwritten signatures: Mr Belmont
Mr Hanes

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 21 1953

TELETYPE

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Mr. Egan	_____
Miss Gandy	_____

WASH 7 FROM NEW YORK 21 1-41 AM

DIRECTOR URGENT

file

WILLIAM PERL, ESP-R, PERJURY. TRIAL SUMMARY AFTERNOON SESSION. DIRECT EXAMINATION OF PERL CONTINUED. PERL TESTIFIED THAT HE RECALLED BUYING CAR IN NINETEEN FORTY EIGHT BUT NEVER RECALLED SEEING THE WITNESSES WHO TESTIFIED THIS MORNING OR EVER BEING WITH MICHAEL OR ANN SIDOROVICH. HE NEVER RECALLED HEARING THEIR NAMES NOR COULD HE IDENTIFY PHOTOGRAPHS OF THEM. HE TESTIFIED THAT HE SUBSEQUENTLY TOLD THE GRANDJURY THAT HE RECALLED MORTON SOBELL FROM CCNY DAYS AND THAT WAS AS A RESULT OF THE FACT THAT HE HAD TIME TO CALM DOWN AND THINK IT OVER. THAT HE HAD NEVER ATTEMPTED TO QUOTE PLAY END QUOTE ANYTHING DOWN AND HAD ALWAYS TOLD THE TRUTH. THAT HE HAD SUBSEQUENTLY ADVISED THE GRAND JURY THAT HE HAD AN AWARENESS OF JULIUS ROSENBERG. THAT ALL ANSWERS HE GAVE GRAND JURY WERE THE TRUTH AT THE TIME HE TESTIFIED. THAT HE COULD NOT NOW RECALL BEING AT THE PARTY AT THE BIRD IN HAND RESTAURANT IN NINETEEN FORTY TWO NOR CAN HE NOW RECALL IN NINETEEN FORTY SIX THE CHRISTMAS PARTY AT THE ROSENBERGS, AND HE COULD NOT RECALL MEETING MRS. ELITCHER AT THE US COURTHOUSE IN NINETEEN FIFTY. THAT HE CANNOT RECALL ONE INSTANCE WHEN HE WAS WITH JULIUS ROSENBERG, MORTON SOBELL OR EITHER OF THE SIDOROVICHS. THAT HE HAD

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PAGE TWO

BEEN SEEKING A TRIAL EVER SINCE HIS INDICTMENT AND ARREST IN MARCH NINETEEN FIFTY ONE. AT THIS POINT PROSECUTION RESTED. CROSS EXAMINATION OF THE DEFENSE WAS CONDUCTED BY CHIEF ASSISTANT LLOYD MC MAHON. IN CROSS EXAMINATION PERL TESTIFIED THAT IN AUGUST NINETEEN FIFTY HE DID NOT KNOW HELENE ELITCHER WAS MAX ELITCHER-S WIFE. HE RECALLED MAX ELITCHER AND NOW RECALLS POSSIBLY MEETING HELENE ELITCHER SOMETIME BEFORE NINETEEN FIFTY BUT CANNOT RECALL THE PLACE OR CIRCUMSTANCES. THAT HE DID NOT DISCOUNT THE POSSIBILITY OF MEETING HELENE ELITCHER AT THE BLUE MILL RESTAURANT IN NINETEEN FORTY FOUR OR THE ROSENBERGS APARTMENT IN NINETEEN FORTY SIX BUT HAD NO RECOLLECTION OF SUCH A MEETING. HE WAS QUESTIONED CONCERNING U. S. ATOMIC ENERGY COMMISSION PERSONNEL SECURITY QUESTIONNAIRE DATED NOV., EIGHTEEN NINETEEN FORTY NINE SIGNED UNDER OATH WHEREIN HE STATED HE HAD BEEN MARRIED SINCE NINETEEN FORTY FOUR AND HAD BEEN MARRIED AT CLEVELAND, OHIO. HE TESTIFIED THAT HE HAD ENTERED INTO A COMMON LAW MARRIAGE WITH HIS PRESENT WIFE AND HAD SEPARATED BUT HAD FOUND OUT AN ATTEMPT ON HIS PART TO SEEK A DIVORCE WAS INVALID. THAT HE HAD SUBSEQUENTLY REMARRIED THE SAME WOMAN, HENRIETTA SAVIDGE. HE ADMITTED THAT A STATEMENT IN NACA LOYALTY BOARD QUESTIONNAIRE SIGNED UNDER OATH THAT HE HAD BEEN MARRIED AT NYC AND DIVORCED IN RENO IN NINETEEN FORTY SIX WAS FALSE. THAT HE HAD MADE THIS STATEMENT BECAUSE WHEN HE HAD

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PAGE THREE

SEPARATED FROM HIS WIFE, SHE HAD ASKED HIM TO STATE THAT THE SEPARATION WAS DUE TO A RENO DIVORCE. HE WAS QUESTIONED WITH REFERENCE TO A LISTING OF ADDRESSES FOR THE PAST TEN YEARS ON THE AFOREMENTIONED PSQ DATED NOV., EIGHTEEN NINETEEN FORTY NINE. HE ADMITTED THAT SIXTY FIVE MORTON STREET, NYC, WAS NOT LISTED ALTHOUGH HE LIVED THERE OFF AND ON FROM NINETEEN FORTY SIX TO NINETEEN FORTY EIGHT. HE STATED THAT THIS WAS OMITTED THROUGH INADVERTANCE AND THE FACT THAT HE DID NOT CONSIDER THIS A RESIDENCE. THAT HE HAD NO RECOLLECTION OF SEEING JULIUS ROSENBERG AT SIXTY FIVE MORTON STREET. AN NYC VOTING REGISTRATION BOOK WAS ADMITTED INTO EVIDENCE REFLECTING THAT ON OCT., TEN NINETEEN FORTY SEVEN PERL HAD LISTED HIS VOTING RESIDENCE AS SIXTY FIVE MORTON STREET. THE CROSS EXAMINATION OF DEFENDANT WAS INTERRUPTED AT THIS TIME TO ALLOW TESTIMONY OF TWO CHARACTER WITNESSES. HENRY M. FOLEY, FIVE TWO FIVE WEST THIRTY EIGHTH STREET, NYC, PROFESSOR OF PHYSICS, COLUMBIA UNIVERSITY, TESTIFIED HE HAD RECEIVED HIS PH.D. IN NINETEEN FORTY TWO, UNIVERSITY OF MICHIGAN AND KNEW PERL AS A STUDENT IN NINETEEN FORTY SEVEN AND NINETEEN FORTY EIGHT. HE BECAME BETTER ACQUAINTED WITH PERL IN THE FALL OF NINETEEN FIFTY THROUGH NINETEEN FIFTY ONE THROUGH COURSES GIVEN AT COLUMBIA UNIVERSITY. THAT ALL CONTACTS OF HIS WITH PERL WERE OF A PROFESSIONAL NATURE AND THAT PERL HAD A GENERAL

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END PAGE THREE

PAGE FOUR

REPUTATION OF HONESTY, TRUTHFULNESS, INTERGRITY AND VERACITY. IN CROSS EXAMINATION STATED HE DID NOT KNOW JULIUS ROSENBERG, MORTON SOBELL, HELENE ELITCHER, MICHAEL OR ANN SIDOROVICH OF ANY OF THE FACTS ABOUT INSTANT TRIAL. BERNARD HUGHES, ASSISTANT PROFESSOR OF PHYSICS, UNIVERSITY OF PENNSYLVANIA, PREVIOUSLY AT COLUMBIA UNIVERSITY TESTIFIED THAT HE HAD KNOWN PERL SINCE NINETEEN FORTY SIX, WORKED TOGETHER WITH HIM FROM THE FALL OF NINETEEN FIFTY TO THE FALL OF NINETEEN FIFTYTWO. THAT PERL ENJOYED AN EXCELLENT REPUTATION. IN CROSS EXAMINATION STATED HE DID NOT KNOW JULIUS ROSENBERG, MORTON SOBELL, HELENE ELITCHER, MICHAEL OR ANN SIDOROVICH OF ANY OF THE FACTS CONCERNING THIS TRIAL. CROSS EXAMINATION OF PERL CONTINUED. A NINETEEN FORTY EIGHT NYC VOTING REGISTER INTRODUCED INTO EVIDENCE REFLECTING PERL-S ADDRESS TO BE SIXTY FIVE MORTON STREET, NYC. COUNSEL FOR PERL NOTED THAT THE BUSINESS ADDRESS LISTED WAS NINE THREE SIX TIFFANY STREET, NYC, THE RESIDENCE OF HIS PARENTS. PERL TESTIFIED THAT HE CANNOT RECALL SIGNING THE BOOK OR VOTING. APPLICATIONS FOR DOMESTIC MONEY ORDERS FROM PERL RESIDING SIXTY FIVE MORTON STREET, PAYABLE TO ALFRED SARANT FOR THE YEARS NINETEEN FORTY SEVEN AND NINETEEN FORTY EIGHT WERE INTRODUCED INTO EVIDENCE. AT THIS POINT TRIAL ADJOURNED UNTIL TEN A. M. TOMORROW MORNING. JUDGE RYAN STATED IT IS ANTICIPATED THAT THE CASE WILL GO TO THE JURY FRIDAY.

BOARDMAN

END

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65-59312-839

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 21 1953

TELETYPE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

WASH 14 FROM NEW YORK 21 7-25 PM
DIRECTOR URGENT

WILLIAM PERL, WAS, ESP - R, PERJURY. TRIAL SUMMARY, MORNING SESSION.
 CROSS EXAMINATION OF PERL CONTINUES. TESTIFIED THAT BEFORE BEING
 SUBPOENED BY FGJ WAS QUESTIONED BY FBI IN CLEVELAND CONCERNING
 MICHAEL SIDOROVICH, MORTON SOBELL AND JULIUS ROSENBERG. THAT TO THE
 BEST OF HIS RECOLLECTION HE WAS NOT QUESTIONED CONCERNING HELEN
 ELITCHER. AT THE TIME HE TESTIFIED HE
 HONESTLY DID NOT RECALL THE AFOREMENTIONED INDIVIDUALS. THAT HE
 THOUGHT THE GJ WAS ASKING IF HE WERE INTIMATELY ACQUAINTED WITH THESE
 INDIVIDUALS. LATER WHEN HE RECALLED SOBELL HE STATED HE WAS IN A DIFFER-
 ENT STATE OF MIND. THAT HE PAID RENT AT SIXTYFIVE MORTON ST., NYC, AT
 INTERVALS DURING FORTYSEVEN AND FORTYEIGHT. THAT ON NINE MONEY
 ORDERS HE GAVE SIXTYFIVE MORTON ST. AS HIS ADDRESS. THAT HE MAY
 HAVE USED SIXTYFIVE MORTON ST. AS HIS ADDRESS AT COLUMBIA UNIV. THAT
 HE SUBLET THE APARTMENT FROM AL SARANT AND HAD TWO ADDRESSES SIMULTAN-
 EOUSLY AND USED BOTH. HE MADE NO ATTEMPT TO CONCEAL THIS ADDRESS,
 HAD NO REASON TO LIE, NEVER MET JULIUS ROSENBERG AT THE APT. AND
 DID NOT KNOW IF AL SARANT WAS A FRIEND OF JULIUS ROSENBERG. THAT A

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See memo to Belmont 5-21-53

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ATTORNEY

53 JUN 5 1953

PAGE TWO

STATEMENT HE MADE TO THE LOYALTY BOARD UNDER OATH APRIL TWENTYTWO FIFTY THAT WITH THE EXCEPTION OF ONE OR TWO OCCASIONS HE NEVER SAW SARANT WAS NOT A LIE. THAT HE WAS INTRODUCED TO SARANT BY JOEL BARR. HE IDENTIFIED THE HANDWRITING OF THE LETTER DATED SEPT. TWENTYONE FORTYSIX AS HIS WHICH WAS ADDRESSED TO DEAR PUSS AND AL WRITTEN ON FRIENDLY TERMS. THAT PUSS AND AL REFERRED TO WEPE PROBABLY MR. AND MRS. ALFRED SARANT. THAT ANOTHER LETTER UNDATED ADDRESSED TO DEAR AL THANKING HIM FOR A CHECK, EXTENDING HIS LOVE TO PUSS AND REGARDS TO MR. AND MRS. ROSS, MENTION WAS MADE OF MICROFILM AND JOEL BARR WAS IN HIS HANDWRITING. THAT ANOTHER LETTER ADDRESSED TO DEAR PUSS AND SIGNED LOVE BILL WAS IN HIS HANDWRITING. THAT PUSS AND AL WERE MR. AND MRS. ALFRED SARANT AND HE MIGHT HAVE MET THEM ON A FEW OCCASIONS RATHER THAN ONE OR TWO. THAT HE HAD PLAYED DOWN CERTAIN ASSOCIATIONS BECAUSE OF CP CONNECTIONS. THAT IN A STATEMENT TO THE FBI HE MINIMIZED HIS ASSOCIATION WITH JOEL BARR AND ALFRED SARANT. THAT THE COULD NOT RECALL WHETHER SARANT PLAYED A GUITAR. HE WAS EXHIBITED AN AFFIDAVIT DATED APRIL TWENTYTWO FIFTY TO THE NACA LOYALTY BOARD WHEREIN HE STATED THAT HE WAS NEVER IN CLOSE OR SYMPATHETIC ASSOCIATION

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PAGE THREE

WITH AL SARANT. THAT AFTER GRADUATION IN THIRTYNINE UNTIL FORTYSIX HE DID NOT SEE ANY MEMBER OF HIS GRADUATING CLASS INCLUDING JOEL BARR. HE IDENTIFIED THE HANDWRITING AS HIS ON AN UNDATED LETTER ADDRESSED TO DEAR JOEL ENCLOSED IS A NOMINAL SUM OF MONEY FOR THE GUITAR. THANKS TO AL. THAT HE COULD NOT RECALL WRITING THIS LETTER BUT AFTER READING IT HIS RECOLLECTION WAS REFRESHED AND HE BELIEVES THAT HIS WIFE PROBABLY GOT THE GUITAR FROM JOEL BARR. WHEN A LETTER OF APRIL EIGHT FORTYFIVE WAS READ ADDRESSED DEAR JOEL GUITAR RECEIVED, PAY YOU NEXT TIME. THEN HE DISCUSSED A VACATION TRIP. LETTER ALSO CONTAINS A STATEMENT WHATS MORTIE DOING FOR A VACATION AND SIGNED HEDDIE AND WILL. THAT HE DID NOT KNOW WHO MORTIE WAS IN THIS LETTER BUT COULD NOT DENY IT MIGHT BE MORTON SOBELL. DENIED KNOWINGLY ATTENDING ANY CP MEETINGS AT COLLEGE ALTHOUGH HE MIGHT HAVE ATTENDED YCL GROUP MEETINGS BUT HAD NO SUCH RECOLLECTION. THAT HE KNOWS WHO VIVIAN GLASSMAN IS AND KNEW WHO SHE WAS IN JULY FIFTY. THAT SHE WAS A FRIEND OF JOEL BARR. THAT HE HAD SEEN HER SEVERAL TIMES IN

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THE PRESENCE OF BARR AND ON SEVERAL OTHER OCCASIONS. THAT HE LIVED A WEEK IN THE APARTMENT OF VIVIAN GLASSMAN-S SISTER ONE TIME AND HAD SEEN VIVIAN DURING THAT VISIT. THAT HE COULD NOT RECALL ANY REASON FOR OPENING A BANK ACCOUNT IN THE LOWER EAST SIDE IN JULY FORTYSIX, ONE BLOCK FROM VIVIAN GLASSMAN-S HOUSE. HE IDENTIFIED THE SIGNATURE ON THE BANK ACCOUNT AS HIS. THAT WHEN VIVIAN GLASSMAN VISITED HIM AT CLEVELAND SHE WROTE THE NAME JULIUS ROSENBERG ON A PIECE OF PAPER. THAT HE DID NOT RECALL ROSENBERG AT THAT TIME, EXCEPT FOR THE RECENT ARREST PUBLICITY. THAT WHEN VIVIAN GLASSMAN OFFERED HIM MONEY TO LEAVE THE COUNTRY AND MENTIONED THE NAME ROSENBERG, HE DID NOT KNOW WHAT SHE WAS TALKING ABOUT. THAT HE DID NOT TELL THE FBI ABOUT THIS VISIT FOR SEVERAL DAYS, ALTHOUGH, HE KNEW HE WAS UNDER FBI SURVEILLANCE. HE DESTROYED THE PAPER GIVEN TO HIM BY VIVIAN GLASSMAN BECAUSE HE WAS UNDER A MENTAL STRAIN. IN RE DIRECT EXAMINATION, PERL TESTIFIED THAT HE FIRST MET HIS WIFE IN FORTYFOUR AND ENTERED INTO A COMMON LAW MARRIAGE IN THE FALL OF FORTYFOUR AND LIVED IN CLEVELAND AND NYC. IN THE FALL OF FORTYSIX HE RENTED THE APARTMENT AT SIXTYFIVE MORTON ST. FROM SARANT AND ALSO LIVED AT HIS PARENTS- ADDRESS NINE THREE SIX TIFFANY ST. DURING THIS TIME. HE CONSIDERED BOTH AS ADDRESSES.

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THAT HE MINIMIZED HIS ASSOCIATION WITH JOEL BARR AND ALFRED SARANT BECAUSE HE WAS AFRAID HE WOULD LOSE HIS JOB IF HE KNEW COMMUNISTS. THAT HE DID NOT KNOW THAT SARANT AND BARR WERE MEMBERS OF THE COMMUNIST PARTY. IN RESPONSE TO HIS ATTORNEY-S QUESTION, "DID YOU KNOW VIVIAN GLASSMAN." HE STATED HE COULD NOT ANSWER THAT QUESTION. HE STATED HE HAS NOT SEEN HER, HAS NOT TALKED TO HER, AND DID NOT KNOW WHAT THE WORD "KNOW" MEANT. THE JUDGE ASKED HIM HIS CONCEPT OF THE WORD AND PERL STATED HE WOULD HAVE TO LOOK IT UP IN A DICTIONARY. PERL STATED THAT HE IS NOT OR HAS EVER BEEN A MEMBER OF THE COMMUNIST PARTY, WAS NEVER ENGAGED IN SUBVERSIVE ACTIVITIES, WAS A LOYAL AS THE NEXT FELLOW, BUT DOES NOT BELIEVE IN BEATING HIS BREAST ABOUT IT. THAT IN MARCH FIFTY, AUSA ROY COHN TOLD HIM IN FRONT OF HIS ATTORNEY AND A GROUP OF OTHER AUSA-S TO CONFESS OR HE WOULD BE INDICTED. THAT HE WAS GIVEN THE OPPORTUNITY TO MAKE A FURTHER STATEMENT AND STATED THAT HE HAD NOTHING TO CONFESS. MRS. DORIS STOWE, TWO NAUGHT FOUR EAST FIFTYFIRST ST., NYC, EMPLOYED UN, RECORDS SECTION, TESTIFIED

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THAT SHE HAD VOLUNTEERED EARLY THIS MORNING TO BE A CHARACTER WITNESS. SHE HAD KNOWN PERL AND HIS WIFE SINCE FORTYNINE AND THAT PERL ENJOYED AN EXCELLENT REPUTATION FOR TRUTH, HONESTY, AND INTEGRITY. THAT PERL HAD DIFFICULTY REMEMBERING NAMES AND FACES. IN RESPONSE TO A QUESTION FROM JUDGE RYAN, SHE STATED THAT PERL NEVER HAD ANY DIFFICULTY REMEMBERING HER NAME. IN CROSS EXAMINATION, SHE TESTIFIED THAT SHE KNEW NOTHING ABOUT THE FACTS OF INST. CASE. THE DEFENSE AND PROSECUTION BOTH RESTED. JUDGE RYAN DENIED A MOTION FOR A JUDGEMENT OF ACQUITTAL ON ALL FOUR COUNTS. SUMMATIONS WILL COMMENCE THIS AFTERNOON. JUDGE RYAN WILL CHARGE THE JURY FRIDAY MORNING MORNING AND CASE WILL GO TO JURY FRIDAY. CHIEF AUSA LLOYD C. MC MANN AND AUSA ROBERT MARTIN WERE ADVISED OF THE AVAILABILITY OF BUREAU AGENTS TO REFUTE PERL-S STATEMENT THAT AGENTS TOLD HIM ROSENBERG AND SOBELL WERE GOING TO FRY. THEY STATED THEY DID NOT DESIRE TO PLACE THIS TESTIMONY IN THE TRIAL AS IT MIGHT TEND TO CONFUSE THE ISSUES OF THE CASE TO THE JURY.

BOARDMAN

END

NY R 14 WA VH

DISC

OO: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

65-59312-840

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 21 1953

TELETYPE

- Mr. Tolson
- Mr. Ladd
- Mr. Nichols
- Mr. Belmont
- Mr. Clegg
- Mr. Glavin
- Mr. Harbo
- Mr. Rosen
- Mr. Tracy
- Mr. Gandy
- Mr. Mohr
- Mr. Winterrowd
- Tele. Room
- Mr. Holloman
- Mr. Sizoo
- Miss Gandy

WASH 19 FROM NEW YORK 21 PM
DIRECTOR URGENT

WILLIAM PERL, ESP - P, PERJURY. TRIAL SUMMARY AFTERNOON SESSION.
 SUMMATION FOR DEFENSE GIVEN TO JURY THIS AFTERNOON BY RAYMOND WISE,
 DEFENSE COUNSEL. STATED THAT WHEN PERL ANSWERED ALL QUESTIONS BEFORE
 THE FBI HE BELIEVED THE ANSWERS TO BE TRUE. WITH REFERENCE TO THE
 COUNT CONCERNING MORTON SOBELL, WISE STATED THE ISSUE IS WHETHER HE
 KNEW SOBELL NOT WHETHER HE EVER MET SOBELL. WHAT DID THE QUESTIONS
 MEAN TO PERL. PERL FELT QUOTE KNOW END QUOTE MEANT INTIMATE ACQUAIN-
 TANCE AND THAT THE JURY WAS TRYING TO FIND OUT JUST THAT NOT WHETHER
 HE HAD EVER MET SOBELL. HE STATED HE PERSONALLY DOUBTS THAT THE SOCIAL
 AFFAIRS TESTIFIED TO BY MAX ELITCHER IN FORTYFOUR AND FORTYSIX EVER
 OCCURRED. ATTACKED MAX ELITCHER AS AN ADMITTED PERJURER, A COMMUNIST
 FOR NINE YEARS AND ON IN FORTYFOUR, WHO WAS ASKED BY JULIUS ROSENBERG
 TO FURNISH INFO TO THE SOVIET UNION WHO DID NOT REPORT IT TO THE
 FBI UNTIL CAUGHT UP WITH IN FIFTY, WHO IS STILL WALKING AROUND TODAY
 A FREE MAN. HE DID NOT BOTHER TO CROSS EXAMINE HELENE ELITCHER
 BECAUSE SHE WOULD ONLY CORROBORATE HER HUSBAND. BUT ACTUALLY THE

LAST TIME PERL SAW SOBELL IF THESE SOCIAL AFFAIRS DID NOT EXIST WAS IN

COPIES DESTROYED

8 26 NOV 22 1960

END OF PAGE ONE

RECORDED - 44

165-59312-847

MAY 26 1953

53 JUN 5 1953

PAGE TWO

THIRTYNINE. THAT KLEIN WOULD HAVE BEEN A CHARACTER WITNESS FOR PERL AND DR. SHAPIRO ONLY PLACED PERL AND SOBELL IN SCHOOL TOGETHER. HE STATED THAT HE DID NOT DENY THAT PERL MET SOBELL BUT DID DENY THAT HE LIED. HE STATED THAT THE SAME ARGUMENT WOULD APPLY TO THE COUNT CONCERNING JULIUS ROSENBERG. CONCERNING HELENE ELITCHER HE STATED THAT EVEN ASSUMING SHE MET PERL IN FORTYFOUR AND FORTYSIX HE DID NOT REMEMBER HER AND THAT THERE WAS NO EVIDENCE INTRODUCED IN THE TRIAL SHOWING THAT PERL KNEW HER AS QUOTE HELENE END QUOTE. PERL JUST DID NOT REMEMBER HER. WITH REFERENCE TO THE SIDOROVICH COUNT PERL JUST DID NOT REMEMBER THIS ISOLATED INCIDENT IN THE GJ ROOM AND HE DID NOT CROSS EXAMINE THE WITNESSES ON THIS COUNT BECAUSE NO EVIDENCE WAS EVER INTRODUCED BY THE GOVT. THAT PERL KNEW THESE INDIVIDUALS BY NAME. HE STATED THAT AFTER AN ASSOCIATION WITH HIS CLIENT FOR THREE YEARS, PERL IS STILL A MYSTERY, A YOUNG EINSTEIN, A GENIUS WITH A MIND OF UNUSUAL COMPLEXITIES. THAT HIS SUBCONSCIOUS MIND HAS ACTUALLY BLOCKED OUT ALL THESE INCIDENTS. THAT PERL DID NOT DISAPPEAR LIKE BARR AND SARANT BUT ANSWERED ALL QUESTIONS, WAS ALWAYS COOPERATIVE. THAT A SISTER OF HIS HAD DIED IN AN INSANE ASYLUM AND ANOTHER SISTER HAD BEEN AN INMATE. THAT GENIUS AND INSANITY

END OF PAGE TWO

65-59312-841

PAGE THREE

IS SEPARATED ONLY BY A THIN LINE. THAT THE CONFUSION BETWEEN NEW YORK AND CLEVELAND CONCERNING PERL-S MARITAL STATUS EXISTED BECAUSE IT IS DIFFICULT TO DETERMINE JUST WHERE A COMMON LAW MARRIAGE COMMENCED. HIS MENTION OF THE RENO DIVORCE WAS OUT OF CHIVALRY. PERL HAD NO MOTIVE TO PURGER HIMSELF AND WISE ASKED FOR AN ACQUITTAL ON ALL FOUR COUNTS. LLOYD MC MAHON CHIEF ASST. USA, SUMMED UP FOR THE GOVT. EMPHASIZED THE DISINTERESTED WITNESSES FROM CLEVELAND WHO TESTIFIED IN COUNT FOUR RE SIDOROVICH, POINTED OUT THE OTHER COUNTS ARE SUPPORTED BY TESTIMONY AND DOCUMENTARY EVIDENCE AND HE REVIEWED THE EVIDENCE PRESENTED AT THE TRIAL. HE POINTED OUT THAT LETTERS OF WILLIAM PERL IN HIS OWN HANDWRITING REFER TO SOBELL AND CORROBORATED ELITCHER-S TESTIMONY. HE POINTED OUT THAT THE FBI HAD QUESTIONED PERL CONCERNING THE INDIVIDUALS REFERRED TO IN THE COUNTS AND THAT VIVIAN GLASMAN-S TRIP TO SEE PERL EMPHASIZED THE NAME JULIUS ROSENBERG. ALL THIS HAPPENED BEFORE PERL-S TESTIMONY BEFORE THE FGJ. THAT PERL WAS SO CAUGHT UP WITH HIS OWN LIES THAT HE COULD NOT EVEN ANSWER A QUESTION ON THE WITNESS STAND. THE GOVT. ASKED FOR CONVICTION ON ALL FOUR COUNTS. JUDGE RYAN STATED HE WOULD CHARGE THE JURY AT TEN AM FRIDAY MORNING AND THE CASE WOULD SHORTLY THERAFTER GO TO THE JURY FOR DELIBERATION.

65-59312-841

BOARDMAN

W. H. Boardman

HLD

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 2 1953

TELETYPE

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Mr. Gandy	

[Handwritten signature/initials over the routing slip]

WASH 7 FROM NEW YORK
DIRECTOR URGENT

22 6-50 P

WILLIAM PERL, WAS. ESP DASH R. PERJURY. TRIAL SUMMARY, MORNING SESSION. HONORABLE SYLVESTER RYAN, TEN AM TODAY, CHARGED JURY. JURY RETIRED ELEVEN ZERO FIVE AM FOR DELIBERATION. JUDGE RYAN EXPLAINED TO THE JURY THE PRESUMPTION OF INNOCENCE, THE QUESTION OF REASONABLE DOUBT THE WEIGHT OF TESTIMONY OF WITNESSES, THEIR BIAS OR PREJUDICE. HE INSTRUCTED THE JURY TO CONSIDER FOR EVIDENCE THE GOOD CHARACTER OF THE DEFENDANT. THAT THEY MUST NOT INFER PARTICIPATION IN ESPIONAGE ACTIVITIES. CLAIMED THAT THERE WAS NO CHARGE OF ESPIONAGE IN THIS CASE. THAT THE SOLE ISSUE IS PERJURY AND THE SOLE TEST IS WHETHER DEFENDANT TESTIFIED UNDER OATH CONTRARY TO HIS BELIEF OR TOLD THE TRUTH. IT IS STATED THAT THE DEFENSE CONCEDED THAT THE DEFENDANT WAS A WITNESS BEFORE THE FGJ AND HAD TESTIFIED AFTER AN OATH HAD BEEN ADMINISTERED. HE CHARGED AS A MATTER OF LAW THAT THE FOREMAN OF THE FGJ WAS AUTHORIZED TO ADMINISTER OATH AND CHARGED AS A MATTER OF LAW THE QUESTIONS ASKED WERE MATERIAL. HE REINTERATED THAT THE ONLY

END PAGE ONE
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R 28 NOV 22 1960

RECORDED - 4165-59312-842

MAY 26 1953

27

53 JUN 5 1953

PAGE TWO

ISSUE REMAINING ON EACH COUNT WAS WHETHER THE DEFENDANT WILLINGLY AND KNOWINGLY TESTIFIED CONTRARY TO HIS TRUE ACTUAL BELIEF AND THAT THE GOVERNMENT MUST PROVE THAT THE TESTIMONY OF THE DEFENDANT WAS WILFULLY FALSE. HE STATED THAT IN ORDER FOR THE JURY TO CONVICT ON A COUNT OF PERJURY THEY MUST BELIEVE THE DIRECT TESTIMONY OF TWO WITNESSES OR ONE WITNESS PLUS CORROBORATIVE CIRCUMSTANCES. HE EXPLAINED CORROBORATIVE EVIDENCE, DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. HE SAID THAT THE STATE OF THE DEFENDANT'S MIND AT THE TIME OF HIS TESTIMONY COULD ONLY BE ESTABLISHED BY PROPER INFERENCES, OUTWARD MANIFESTATIONS, AND HIS OVERT ACTS. HE REVIEWED EACH COUNT IN THE INDICTMENT AND THE TESTIMONY CONCERNING THEM. ON COUNT ONE, RE MORICN SOBELL, HE POINTED OUT THAT THE GOVERNMENT SUPPORTED THIS COUNT WITH THE TESTIMONY OF MAX AND HELEN ELITCHER, MILTON KLEIN AND JACK SHAPIRO. HE REVIEWED THE TESTIMONY OF EACH. HE STATED THAT THE GOVERNMENT FURTHER INTRODUCED AS EXHIBITS THE RECORD OF CCNY REFLECTING CLASS ENROLLMENT, A LETTER OF THE DEFENDANT MAKING REFERENCE TO A FRIEND LEAVING A TWENTYSIX HUNDRED DOLLARS POSITION AND GOING TO THE UNIVERSITY OF MICHIGAN. HE MADE FURTHER REFERENCE TO THE OTHER LETTER CONCERNING

END PAGE TWO

65-59312-842

PAGE THREE

SOBELL. ON COUNT TWO, RE HELENE ELITCHER, HE POINTED OUT THAT THE GOVT. PRESENTED THE DIRECT TESTIMONY OF MAX AND HELENE ELITCHER, THAT AS NO CORROBORATIVE EVIDENCE WAS INTRODUCED IT WAS NECESSARY THAT THE JURY BELIEVE THE TESTIMONY OF THESE WITNESSES TO FIND DEFENDANT GUILTY ON THIS COUNT. COUNT THREE, RE JULIUS ROSENBERG, THAT MAX AND HELENE ELITCHER, MILTON KLEIN AND JACK SHAPIFO TESTIFIED THE SAME AS IN COUNT ONE WITH THE ADDITION OF THE SUMMER OF NINETEEN FORTY FOUR MEETING WHICH INCLUDED DINNER AT THE BIRD AND HAND RESTAURANT AND SOCIAL AFFAIRS AT THE APARTMENTS OF JOEL BARR AND ALFRED SARANT. HE NOTED THAT THE RECORD OF CCNY WERE PRODUCED AS CORROBORATIVE EVIDENCE. COUNT FOUR, RE MICHAEL AND ANN SIDOROVICH, STATED THAT THE GOVERNMENT PRESENTED THE DIRECT TESTIMONY OF ROBERT PFLEGER AND MAPIE BEIER CONCERNING PURCHASE OF CAR. ALSO THE TESTIMONY OF MRS. PFLEGER AND ELIZABETH BROWN AS CORROBORATIVE EVIDENCE. JUDGE RYAN STATED THAT THE DEFENDANT TESTIFIED VOLUNTARILY AS A WITNESS AND THEREFOPE HIS TESTIMONY SHOULD BE CONSIDERED SAME AS

END PAGE THREE

65-59312-842

PAGE FOUR

ANY OTHER WITNESS. HE REVIEWED PERL-S DIRECT TESTIMONY INCLUDING HIS BACKGROUND AND EMPLOYMENT. HE POINTED OUT THAT PERL HAD TESTIFIED THAT PRIOR TO HIS FGJ APPEARANCES HE HAD BEEN UNDEP INVESTIGATION AND INTERROGATION BY FBI AND WAS IMMERSED IN HIS WORK, THAT THIS HAD AFFECTED HIS STATE OF MIND, THAT HE HAD CONSULTED AN ATTORNEY AND KNEW IF HE LIED BEFORE THE FGJ HE WOULD BE SUBJECT TO PERJURY PROSECUTIONS AND HE FURNISHED THE ANSWERS HE BELIEVED TRUTHFUL, THAT HE THOUGHT THE GRAND JURY WAS QUESTIONING HIM CONCERNING INTIMATE AND CLOSE ASSOCIATIONS. JUDGE RYAN INSTRUCTED THE JURY THAT THE QUESTION WAS NOT WHETHER PERL HAD MET OR HAD ANY CONTACT WITH THESE INDIVIDUALS BUT WHETHER THE CONTACTS WERE SO FREQUENT THAT HE HAD IN FACT KNOWN AND REMEMBERED THEM BY NAME AT THE TIME HE TESTIFIED. HOW DID HE INTERPRET THE QUESTION, DID HE UNDERSTAND THE COMMON OR ACCEPTED MEANING OF THE QUESTION THAT IF PERL

END PAGE

65-59312-842

PAGE FIVE

ANSWERED TRUTHFUL TO THE BEST OF HIS BELIEF THEY MUST ACQUIT HIM AND IF CONTRARY TO HIS BELIEF THEY MUST FIND HIM GUILTY, THAT THE FACT THAT IN HIS THIRD GRAND JURY APPEARANCE HE RECALLED MORTON SOBELL IS NO DEFENSE. HE MUST TELL THE TRUTH IN EACH INSTANCE AND SUBSEQUENT GRAND JURY TRUTHFULLNESS IS NO DEFENSE. HOWEVER, THE JURY MAY CONSIDER THIS ON THE QUESTION OF INTENTION AND BELIEF AND STATE OF MIND CONCERNING PREVIOUS TESTIMONY.

BOARDMAN

END

NY R 7 WA JG

CC: MR. BELMONT
~~AND SUPERVISOR~~
DOM. INTEL DIVISION

65-593912-842

U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 16 1953

TELETYPE

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Harbo	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Egan	✓
Mr. Gurnea	✓
Mr. Hendon	✓
Mr. Pennington	✓
Mr. Quinn	✓
Mr. Nease	✓
Miss Gandy	✓

WASH 7 FROM NEW YORK 18 6-07 PM
DIRECTOR URGENT

G.I.R.-5

WILLIAM PERL, WAS, ETAL. ESP - R, PERJURY. TRIAL SUMMARY, MORNING SESSION. SELECTION OF JURORS COMPLETED AT MORNING SESSION. HONORABLE SYLVESTER J. RYAN PRESIDING. UNITED STATES GOVT. REPRESENTED BY CHIEF ASST. US ATTORNEY, LLOYD E. MCMAHON, AND ASST. US ATTORNEYS ROBERT MARTIN AND NORMAN S. BEIER. DEFENSE COUNCILS RAYMOND L. WISE, STANLEY KANARAK AND RAYMOND I. YABLON. THE FOLLOWING JURORS SELECTED- LAWRENCE W. PAYNE, GEORGE PARKER SHUTT, JOSEPH P. TRAPP, ARTHUR L. LARSON, GEORGE W. BONPINE, LAWRENCE F. SHERMAN, JR., FREDERICK A. PURDY, CHARLES A. HENDLER, FREEMAN LINCOLN, CLARA C. FIORI, HERMAN SOMMERFELD, WALTE MALCOLM BITZ. ALTERNATE JURORS THEODORE D. SILVERER, JOHN W. FRIEDRICH. RAYMOND WISE OBJECTED TO PROCEDURE REQUIRING THE DEFENSE TO EXERCISE THEIR PEREMPTORY CHALLENGES OF JURORS BY ROUND AND THAT IF THESE CHALLENGES WERE NOT EXERCISED AT THAT TIME WERE CONSIDERED WAIVED. MOTION TO DISMISS INDICTMENT ON GROUNDS THAT INDICTMENT FAILS TO SHOW JURISDICTION BY FCJ OR FOREMAN TO ADMINISTER, COUNTS OF INDICTMENT AND VIOLATION OF FIFTH AND SIXTH AMENDMENTS AND THAT SECTION THREE SEVEN ONE ONE OF TITLE EIGHTEEN WAS NOT CONSTITUTIONAL WAS DENIED BY JUDGE RYAN. PERL CONTINUED AT TWENTY THOUSAND DOLLARS BOND DURING TRIAL. MCMAHON ADVISES GOVT. CASE WOULD TAKE THREE OR FOUR DAYS TO PRESENT. OPENING STATEMENTS TO COUNCIL TO

COMMENCE 5:10 PM.
53 JUN 5 1953

RECORDED & INDEXED
BOARDMAN 27
MAY 26 1953

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R 10 NOV 22 1980
NY R 7 WA MLT

165-59312-843
cc - [unclear]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 15 1953

TELETYPE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Mr. Sizoo	_____
Miss Gandy	_____

WASH 1 FROM NEW YORK

15

2-58 P

G.I.R.-5

DIRECTOR URGENT

ATTENTION FBI LAB.

WILLIAM PERL, WA. ESP DASH R, PURJURY. RE ALBANY TEL MAY FOURTEEN ADVISING DESTRUCTION MONEY ORDER RECEIPTS AT ITHACA POST OFFICE LISTED IN NY TEL MAY ELEVEN LAST. AUSA STATED DOES NOT DESIRE TESTIMONY OF WILLIAM CARPENTER. LAB REQUESTED TO ADVISE NYO IF PHOTOGRAPHIC COPIES THESE RECEIPTS RETAINED IN LAB FILE. IF SO REQUEST LAB EXPERT BRING SUCH COPIES TO NYO AT TIME OF TRIAL. SUTEL NYO. FOR L/FORMATION FBI LAB, AUSA ADVISED TODAY LAB EXPERT DESIRED AT US ATTORNEY-S OFFICE, ROOM FOUR ZERO ONE, US COURT HOUSE FOLEY DQUARE, NYC NINE AM TUESDAY MAY NINETEEN NEXT, ASK FOR AUSA ROBERT MARTIN. EXPERT WILL TESTIFY MAY NINETEEN OR TWENTY NEXT.

BOARDMAN
ALBANY ADVISED
HFC

RECORDED - 56

165-59312-844

MAY 22 1953

17

S. L. ...

cc ...

62 JUN 11 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *pl*

FROM : MR. C. E. HENRICH *pl*

SUBJECT: WILLIAM PERL, W.G.
ESPIONAGE - R
PERJURY

DATE: May 22, 1953

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

giff

Supervisor McAndrews, NYO, advised at 4:50 p.m. today (May 22) that the jury hearing this case had returned a verdict as follows:

Count 1 - Guilty with recommendation for clemency. This count pertained to statements as to Morton Sobell.

Count 2 - Not guilty. This count pertained to statements as to Helene and Max Elitcher.

Count 3 - Guilty with recommendation for clemency. This count pertained to statements as to Julius Rosenberg.

Count 4 - Not guilty. This count pertained to statements as to the Sidoroviches.

G.I.R. 2

ACTION:

The New York Office was instructed to advise immediately of any further developments.

CEH:LL

ADDENDUM - CEH:LL - 5/22/53 - Mr. McAndrews called at 5:15 p.m., 5/22 and advised that Perl was remanded to jail in lieu of bond and that he will be sentenced June 5, 1953. The Judge has requested the U. S. Attorney to submit any and all information having any bearing on the amount of sentence.

RECORDED - 114

MAY 27 1953

65-59312-845

62 JUN 9 1953

EX-123

ESP. FILE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson *sm*

DATE: May 13, 1953

FROM : L. B. Nichols

SUBJECT: WILLIAM PERL

Tolson	
Ladd	
Nichols	
Belmont	
Mohr	
Glavin	
Harbo	
Rosen	
Tracy	
Gearty	
Mohr	
Winterrowd	
Tele. Room	
Holloman	
Gandy	

Several weeks ago, Father William Gordon, an Augustinian Father, telephoned Crosby in my office from the office of Congressman Kersten. Father Gordon inquired if the Bureau had any interest in knowing the details of any conversations which might be held between him and William Perl who will be standing trial for perjury in the very near future as an outgrowth of the Rosenberg case. Crosby told Father Gordon we would be very interested to hear.

On May 13, 1953, Crosby talked to Father Gordon again. Father Gordon stated he saw Perl on Saturday and Sunday at Spring Valley, New York, in the home of Mr. Henri Leitnant, brother-in-law of Mr. Perl. He said he had quite a long talk with Perl Sunday evening. The gist of Perl's observations was that he is a victim of circumstance, that he practically did not know the Rosenbergs and is absolutely innocent of the perjury charge. He informed Father Gordon that all he was interested in was a fair trial as he feels sure a jury will acquit him.

Crosby told Father Gordon it seemed strange to him that he had even bothered to initiate a contact with Father Gordon. Father Gordon stated it now appeared that the contact had actually initiated with Henri Leitnant, Perl's brother-in-law and not with Perl.

Crosby asked Father Gordon how an agent could get in touch with him if it were desired to see him at greater length about his talks with Perl. Father Gordon said he would be very happy to see an agent at any time, that he resides at 123 Nassau Avenue, Malvern, Long Island, New York. He requested that before he is contacted that an agent telephone him in order to ascertain his whereabouts. His telephone number is Lynbrook 9-8961.

ACTION: None, this is for the information of the Domestic Intelligence Division and such action as they deem appropriate.

cc: Mr. Ladd
Mr. Belmont

FEC:arn

sm
RECORDED-55 *65-59312-846*
6-1

INDEXED-55

sm

*5/13/53
Buffalo L. B. Nichols
rec'd of Henri Leitnant
re: William Perl
LIT*
53 JUN 10 1953

LIT

Office Memorandum

UNITED STATES GOVERNMENT

GOVERNMENT

TO : DIRECTOR, FBI

DATE: 5/26/53

FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL
PERJURY
ESP-R

me

It is suggested that the Bureau consider addressing letters of recommendation to LLOYD F. MacMAHON, newly appointed Chief Assistant to the U.S. Attorney, Southern District of New York, and Assistant U.S. Attorney Robert Martin.

G/P-5

Mr. MacMAHON handled the larger portion of the trial of WILLIAM PERL which resulted in the conviction of PERL on two counts of perjury. At all times during the trial and preparation for the trial Mr. MacMAHON indicated his willingness to completely cooperate with the agents of this office. He made a determined effort to overcome the difficulties imposed by his relative inexperience in Federal procedure.

In his position as Chief Assistant U.S. Attorney it appears that Mr. MacMAHON can be developed into an important contact for this office in his relations with the office of the U.S. Attorney.

Assisting Mr. MacMAHON was Assistant U.S. Attorney ROBERT MARTIN who will probably be relieved of his position in the near future as a result of the change of administration. Mr. MARTIN had the case assigned to him during the tenure of the former administration and was completely familiar with the facts and circumstances of the case. Mr. MARTIN conducted the examination of many of the witnesses in a competent manner.

*6/9/53
I talked to
SAC Boardman
Re: memo
Q*

*Memo to Boardman
6/8/53
JFK/...*

*TJM:IM
ditto MacMahon
let to Boardman
11-53
M/L*

RECORDED - 7

165-59312-847

MAY 29 1953

RECORDED COPY FILED IN 165-59312-847

79 JUN 23 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: June 1, 1953

PKX
FROM : SAC, WFO (65-5543)

WJ
SUBJECT: WILLIAM PEPL, aka.,
ESPIONAGE - R
PERJURY

Re Bureau letter dated May 26, 1953, requesting WFO to call for certain evidence at the Single Fingerprint Section or advise the disposition of same.

WFO letters dated November 30, 1951, December 12, 1951, and March 3, 1952, all advised that evidence in question does not have to be returned and may be destroyed.

New York by teletype dated March 5, 1952, requested this material not be destroyed until investigation completed.

New York should upon completion of instant case advise FBI Laboratory (Single Fingerprint Section) to destroy evidence.

SA HOLLIS W. BOWERS obtained from the Single Fingerprint Section the textbook "Jet Propulsion" on May 29, 1953, and returned same to DANIEL D. WHITCHAFT, Jr., Major, USAF, SAB, Office of the Chief of Staff, Pentagon. New York in possession of all letters referred to in this letter.

-RUC-

HWR/rmd
2-CC-NEW YORK (65-15387) — REGISTERED MAIL

65-59312-848

RECORDED-42

JUN 2 1953

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BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 13 1953

TELETYPE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Hendon	_____
Mr. Pennington	_____
Mr. Quinn	_____
Mr. Nease	_____
Tele. Room	_____
Mr. Holloman	_____
Mr. Sizoo	_____
Miss Gandy	_____

Handwritten note: [unclear]

FBI, ST. LOUIS 5-13-53 6-37 PM CM

DIRECTOR, FBI AND SACS, WASH FIELD AND NEW YORK URGENT

Handwritten: 108
9

WILLIAM PERL, WA., ESP DASH R, PERJURY. RE NY TEL MAY TWELVE TO BUREAU AND SL ADVISING AUSA, NYC DESIRES EXACT IDENTITY OF PERSON AVAILABLE TO PRODUCE ARMY RECORD FOR SAMUEL BENJAMIN PERL, AKA MUTTERPERL, ASN TWELVE EIGHTEEN NINE NINE SIX ONE, IN EVENT NECESSARY DURING TRIAL WEEK MAY EIGHTEEN, NEXT INCLUDING NAME, RANK AND TELEPHONE NUMBER SO THAT TELEPHONE REQUEST FOR RECORD CAN BE MADE WITH LATER CONFIRMATION BY APPROPRIATE SUBPOENA, INASMUCH AS PRODUCTION OF ARMY RECORD MUST BE CLEARED BY AGO, WASH. THE RECORD IS BEING FORWARDED MAY FOURTEEN, NEXT AMSD BY AGO, SL TO RICHARD BELNAP, CHIEF CLERK, ADMINISTRATIVE SERVICE DIV., TAGO, WASH., DC. WFO CONTACT BELNAP AND MAKE NECESSARY ARRANGEMENTS FOR PRODUCTION OF RECORD IN NYC IF REQUESTED BY AUSA AND ADVISE NYC. RUC.

THORNTON

END AND ACK PLS

WA 7-39 PM OK FBI WA NRB

NZ OK FBI NYC TM

WHVOPR

WA OPR

ORF

RECORDED-

165-59312-849

MAY 27 1953

62 JUN 11 1953

270 COPIES WFO

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312) ATT: FBI LABORATORY DATE: 6/8/53
Single Fingerprint Section

203
th
FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM FERL, wa
ESP-R
PERJURY

ReWFOlet 6/1/53.

In view of recent prosecution of FERL, evidence mentioned in relet may be destroyed at the Laboratory.

MWC:IM

Evidence burned in Bureau incinerator by Bureau employees
(X-13)

RECORDED-108

JUN 8 1953
102

165-59312-850
JUN 9 1953
25
ESP-331
711

SAC, Washington Field Office (65-5543)

May 26, 1953

Director, FBI (65-59312)

WILLIAM P. R. Aka.
ESPIONAGE - R
PERJURY

Reference is made to the Bureau's letter of February 26, 1952, which set forth the results of the examination conducted on the specimens submitted with Washington Field Office letters of November 30, 1951 and December 12, 1951 and New York letter of January 4, 1952, in connection with the above-entitled case.

Upon receipt of Bureau letter of February 26, 1952, your office advised the Single Fingerprint Section that this evidence should be maintained by them until this case was closed or brought to trial. Inasmuch as this case has been tried, a representative of your office should call for this evidence or advise the disposition of same. It should also be noted that the Department of Defense requested the return of one of these pieces of evidence.

Handwritten initials/signature

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Taney _____
- Laughlin _____
- Malone _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

JEB:bs
65-59312

COMM - FBI
MAY 26 1953
MAILED 25

RECORDED - 114/65-59312-7851
38 JUN 4 1953

Handwritten signature: Brockington

62 JUN 11 1953

LITRENT

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 27 1953

TELETYPE

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Harbo	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Gandy	✓
Mr. Mohr	✓
Mr. Winterrowd	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

WASHINGTON FROM NEW YORK 38 27 9-38 PM

DIRECTOR URGENT

WILLIAM PERL, WA, ESPIONAGE DASH R, PERJURY. CHIEF ASSISTANT USA LLOYD F. MC MAHON ADVISED TODAY THAT PURSUANT TO JUDGE RYANS REQUEST IN OPEN COURT AT TIME VERDICT RETURNED, HE DELIVERED TO JUDGE RYAN ON MAY TWENTY SIX LAST, ALL FBI REPORTS IN HIS POSSESSION RE INSTANT CASE. WARDEN THOMPSON, FDH, NYC, ADVISED ON MAY TWENTY THIRD LAST, HENRIETTA PERL VISITED SUBJECT FOR THIRTY MINUTES, THAT ON MAY TWENTY FOURTH LAST, DORIS STOWE, TWO ZERO FOUR EAST FIVE ONE STREET, NYC, VISITED PERL THIRTY MINUTES. NOTED STOWE TESTIFIED AS CHARACTER WITNESS DURING PERLS TRIAL AND MAY BE IDENTICAL TO DORIS WHITTAKER WHO WITNESSED SUBJECTS MARRIAGE IN OCTOBER, NINETEEN FIFTY, THAT ON MAY TWENTY FIFTH LAST, HENRY EPSTEIN, ATTORNEY, THIRTY BROAD STREET, NYC, CONFERRED WITH PERL THIRTY MINUTES, THAT MAY TWENTY SIXTH LAST, PHILIP WITTENBERG, ATTORNEY, SEVENTY WEST FORTY STPEET, NYC, CONFERRED THIRTY MINUTES. NYO INDICES BEING CHECKED ON EPSTEIN AND WITTENBERG. NOTED ATTORNEY WISE

G.I.R.-5

END OF PAGE ONE
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65-59312-852

JUN 4 1953

MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

55 JUN 24 1953

Wine

WASHINGTON 38 FROM NEW YORK

PAGE TWO

STATED TO PRESS SUBSEQUENT TO TRIAL, HE HAD NOT ANTICIPATED ACTING AS PERLS ATTORNEY ON APPEAL. ARRANGEMENTS MADE WITH THOMPSON TO CENSOR PERLS MAIL. AUSA MC MAHON ADVISED TODAY JUDGE RYAN TOLD HIM THAT PERLS WIFE MADE APPOINTMENT WITH RYAN FOR INTERVIEW TWO PM THIS DATE. DISCREET SURVEILLANCE OF MRS. PERL ON LEAVING RYANS CHAMBERS AT TWO TWENTY FIVE PM, REVEALED SHE WENT TO SEVENTY WEST FORTY STREET, WHERE WITTENBERGS OFFICE IS LOCATED. MC MAHON STATED THAT SUBSEQUENT TO MRS. PERLS VISIT RYAN ADVISED HIM IN STRICT CONFIDENCE AS FOLLOWS--- THAT MRS. PERL TOLD RYAN SHE AND SUBJECT HAD HAD A TOUGH TIME FINANCIALLY, THAT SHE HAD BORROWED TWO THOUSAND DOLLARS FROM HER FAMILY TO HELP COVER LEGAL FEES AND BAIL, THAT SHE WAS COMPLETELY SHOCKED AT INFO REVEALED THROUGH CROSS-EXAMINATION OF PERL DURING TRIAL AND BY AUSA MARTINS STATEMENT AT CONCLUSION OF TRIAL RE PERL BEING CONNECTED WITH ROSENBERG ESPIONAGE RING, THAT THIS INFO BOTHERED HER A GREAT DEAL AND SHE CONFRONTED PERL WITH IT, AT WHICH TIME HE MAINTAINED INNOCENCE, THAT MRS. PERL TOLD RYAN HER HUSBAND EXPLAINED TO HER HE COULD NOT HAVE BEEN WORKING ON SCIENTIFIC PROBLEMS AND TREATISES AND STILL BE ENGAGED

END OF PAGE TWO

65-59312-852

WASHINGTON 38 FROM NEW YORK

PAGE THREE

IN ESPIONAGE. AT THIS POINT, JUDGE RYAN SUGGESTED THE QUOTE PSYCHOLOGICAL PROCESS OF SUBLIMATION UNQUOTE, TO WHICH MRS. PERL ADMITTED THE POSSIBILITY. MRS. PERL ASKED JUDGE RYAN IF HE BELIEVED ANY BASIS FOR THINKING PERL INVOLVED IN ESPIONAGE, TO WHICH RYAN REPLIED THERE WAS DEFINITE FOUNDATION FOR SAME. RYAN ASKED MRS. PERL TO EXPLAIN THE BUDD LAKE ESPISODE IN NINETEEN FORTY FOUR, TO WHICH SHE REPLIED SHE HAD NO POSITIVE RECOLLECTION OF THE ARRANGEMENTS FOR HER AND PERL TO GO THERE, NOR FROM WHOM THEY RENTED THE COTTAGE. MRS. PERL STATED HER HUSBAND TOLD HER HE DESIRED TO SPEAK WITH RYAN PRIOR TO SENTENCE. RYAN ADVISED HER TO TELL PERL TO WRITE HIM A LETTER REQUESTING AN INTERVIEW, TO WHICH HE WOULD REPLY, EITHER BY MESSENGER OR MAIL, STATING A TIME AND DATE AND THAT GOVERNMENT AND DEFENSE COUNSEL WOULD BE PRESENT. MRS. PERL SAID SHE WOULD DELIVER THE MESSAGE. JUDGE RYAN OBSERVED TO MRS. PERL THAT HE THOUGHT PERL WAS A DREAMER FROM HIS DEMEANOR ON WITNESS STAND AND COULD UNDERSTAND HOW PERL WANTED TO COVER UP HIS PAST ASSOCIATIONS WITH CERTAIN INDIVIDUALS. HOWEVER, RYAN

END OF PAGE THREE

65-59312-852

WASHINGTON 38 FROM NEW YORK

PAGE FOUR

TOLD HER HE BELIEVED PERL HAD DELIBERATELY LIED ON THE STAND ABOUT ROSENBERG AND SOBELL. RYAN SUGGESTED POSSIBILITY PERL HAD BEEN USED BY UNSCRUPULOUS PEOPLE. MRS. PERL SAID SHE WANTED TO THINK OVER THEIR CONVERSATION, THAT SHE HAD AN APPOINTMENT WITH AN UNNAMED PERSON THIS PM, WHICH SHE WAS UNCERTAIN TO KEEP. SHE SAID SHE WANTED TO SEE HER HUSBAND AGAIN AND JUDGE RYAN ADVISED HER IF SHE HAD ANY TROUBLE GETTING ^{Federal Detention House} IN FDH, SHE SHOULD ADVISE HIM AND HE WOULD CONTACT THE WARDEN. AUSA MC MAHON SAID HE WOULD IMMEDIATELY ADVISE ANY FURTHER INFO RE ABOVE.

BOARDMAN

HOLD

65-59312-852

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: 6/8/53

FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, wa
ESP-R
PERJURY

The above named subject is being carried in the Security Index, Special Section - Espionage.

In view of the recent prosecution of PERL in which he was sentenced on June 5, 1953 to five years in custody of the Attorney General on each of two counts of perjury, sentence to run concurrently, his Security Index card is being placed in the "Unavailable Section - Imprisoned."

Attached hereto is Form FD-122. Arrangements are being made to have this Bureau advised upon subject's release in accordance with instructions.

Enc-1

MWC:IMC

RECORDED - 78

65-59312-853

JUN 10 1953

78 JUN 20 1953

ESP/IMC

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)
 FROM : SAC, New York (65-15387)
 SUBJECT: WILLIAM PERL, wa.
 ESP-R
 PERJURY

DATE: June 8, 1953

Card U.T.D.
6-24-53. apc

"UNAVAILABLE SECTION"

JUN 19 11 32 AM '53
FBI STATISTICAL SECTION

CARDS PREPARED

It is recommended that a Security Index Card be prepared above-captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) "IMPRISONED" PR

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

NATURE OF INDUSTRY OR BUSINESS (Specify from Vital Facility List) _____

RESIDENCE ADDRESS Federal House of Detention

New York, N.Y.

ENC:mat

65-59312-853

ENCLOSURE

[Handwritten signatures and initials]

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT
FROM : MR. C. E. HENRICH
SUBJECT: WILLIAM PERL, W.C.
ESPIONAGE - R
PERJURY

DATE: June 5, 1953

- Tolson _____
- Boardman _____
- Belmont _____
- Mohr _____
- Parsons _____
- Quinn Tamm _____
- Nease _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

my 8

Supervisor Scott Miller, NYO, called at 12:00 noon today (6/5). He advised that the subject had just been sentenced to five years each on the two counts of perjury for which he was found guilty. The sentences are to run concurrently. The Judge specifically commented that he was not accepting the recommendation for clemency made by the jury, because Perl's explanations were stupid.

ACTION:

For your information.

G.I.R.

a
CEH:LL

cc-MR. NICHOLS

RECORDED - 9

65-59312-854

JUN 10 1953

ESP

50 JUN 11 1953

de
10/12

- Mr. Tolson
- Mr. Ladd
- Mr. Nichols
- Mr. Belmont
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Rosen _____
- Mr. Tracy _____
- Mr. Gearty _____
- Mr. Mohr _____
- Mr. Winterrowd _____
- Tele. Room _____
- Mr. Holloman _____
- Mr. Sizoo _____
- Miss Gandy _____

Beahm

(PERL)

NEW YORK--WILLIAM PERL, FORMER COLUMBIA UNIVERSITY PHYSICS INSTRUCTOR, WAS SENTENCED TO FIVE YEARS IN FEDERAL PRISON, THE MAXIMUM ALLOWABLE ON A PERJURY CONVICTION FOR DENYING THAT HE KNEW CONVICTED ATOM SPIES JULIUS ROSENBERG AND MORTON SOBELL.

THE TALL, GRIM-FACED JET PROPULSION EXPERT, 34, SHOWED NO EMOTION AS FEDERAL JUDGE SYLVESTER RYAN HANDED DOWN THE SENTENCE. RYAN SENTENCED HIM TO FIVE YEARS ON EACH OF TWO COUNTS, THE SENTENCES TO RUN CONCURRENTLY.

IN GIVING PERL THE MAXIMUM SENTENCE, RYAN SAID HE COULD NOT ACCEPT THE JURY'S RECOMMENDATION FOR LENIENCY BECAUSE PERL HAD "WILLINGLY AND DELIBERATELY" WITHHELD INFORMATION FROM THE GOVERNMENT IN ITS INVESTIGATION OF A SOVIET SPY RING.

6/5--EG1226P

10/12

65-59312-854

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 5, 1953

FROM : MR. C. E. HENNRICH

SUBJECT: WILLIAM PERL, wa.
ESPIONAGE - R
PERJURY

Tolson	_____
Ladd	_____
Nichols	<input checked="" type="checkbox"/>
Belmont	_____
Clegg	_____
Glavin	_____
Harbo	_____
Rosen	_____
Tracy	_____
Gearty	_____
Mohr	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gins	_____
Miss Gandy	_____

71-3 5-1

As you were previously advised today (6/5), the subject was sentenced to five years each on the two counts of perjury for which he was found guilty, the sentences to run concurrently.

At 1:30 p.m., 6/5, Supervisor T. Scott Miller, NYO, telephonically advised that after imposition of sentence, the defense made a motion for an arrest of judgment. This was denied. The defense thereafter immediately filed a notice of appeal. Next, the defense made a motion for Perl to be released on bail, pending appeal. The defense thereafter went to the Circuit Court of Appeals on the bail issue only, and the motion was denied by Judges Swan, Chase, and A. Hand.

ACTION:

For your information.

ll
WVC:LL

cc-MR. NICHOLS

Handwritten initials and signatures

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65-59312-855

78 JUN 17 1953

Handwritten initials

Handwritten initials

A. H. Belmont

~~TOP SECRET~~

June 1, 1953

W. A. Branigan

WILLIAM PERL
PERJURY
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

SYNOPSIS:

Perl, aeronautical engineer formerly employed by the National Advisory Committee for Aeronautics (NACA),

[REDACTED]

Perl indicted 8-13-51 in SDNY on four counts of perjury arising out of false statements made by him before Federal Grand Jury 9-11-50 in denying acquaintance and association with Rosenberg, Morton Sobell, and others. Perl convicted U. S. District Court, SDNY, 5-22-53, on two counts of perjury and will be sentenced 6-5-53. SAC, New York, recommends letters of commendation for SA(A) Edward J. Cahill, SA's Richard A. Minihan, John A. Harrington, Maurice S. Corcoran, Vincent J. Cahill, Richard T. Hradsky, Robert F. Royal, Thomas J. McAndrew, all of the New York Office, and SA Hilding L. Dahlgren, Document Examiner, Laboratory, for their work in case. [TS] b1

67-171201-158

RECOMMENDATION:

It is recommended that letters of commendation be prepared by the Administrative Division on Bureau personnel cited in New York letter of 5-20-53, attached.

ADDENDUM - SBD:awy

Letters of commendation also recommended for Bureau Supervisors Elmer F. Erich (now ASAC, El Paso) and Anthony P. Litrento.

Je

DETAILS:

William Perl, aeronautical engineer formerly employed by National Advisory Committee for Aeronautics, was a classmate of CCNY of Julius Rosenberg and Morton Sobell, convicted Soviet agents. [REDACTED] b1

Attachment
65-59312
APL:awy

RECORDED - 44

65-59312-856

JUN 12 1953

b1

Administrative Division

56 JUN 19 1953

~~TOP SECRET~~

ORIGINAL COPY FILED IN

Exempt from GDS, Category
Date of Declassification Indefinite
3-20-78 APT/bia

[REDACTED]

[S] b1

An intensive investigation of Perl developed considerable information showing the extent of Perl's association and apparent participation in Rosenberg's activities, [REDACTED]

[REDACTED]

[S] b1

Perl admitted to Bureau agents on 7-23-50, several days after the arrest of Rosenberg, he had been visited at his apartment in Cleveland, Ohio, by Vivian Glassman, a former girl friend of Joel Barr, another member of the Rosenberg apparatus who has disappeared. She told Perl she had been instructed by a stranger to give Perl \$2000 which she had in her possession and instructions on how to leave the country. Perl claimed he turned her down, stating he did not know what she was talking about. Glassman was subsequently interviewed and verified this information but has been otherwise uncooperative.

Perl was indicted on four counts of perjury in the Southern District of New York on 9-13-51 as a result of his false testimony given before a Federal Grand Jury on 9-11-50. These counts were based on his denials that he had been acquainted or associated with Julius Rosenberg, Morton Sobell, Helene Elitcher, and Michael and Anne Sidorovich. On 5-19-59, the trial of Perl commenced before U. S. District Judge Ryan, EDNY, and the jury. On 5-22-59, Perl was found guilty on the two counts relating to Rosenberg and Sobell, and not guilty on the two counts relating to the others. In its findings, the jury recommended clemency. Perl was remanded to jail by Judge Ryan and is expected to be sentenced on June 5, 1959.

The major part of this investigation was conducted by the New York Office and its successful prosecution is due mainly to the painstaking and thorough work of various personnel of that office in uncovering the necessary evidence to prove that Perl had lied before the Grand Jury. It should be pointed out that the conviction of Perl, a known Soviet agent, is a signal victory for the Bureau in discharging its responsibilities in the internal security field.

- 2 - 65-59312-856

~~TOP SECRET~~

It is noted that by letter dated 5-26-53, the SAC, New York, recommends letters of commendation for the following Bureau personnel for their work in this case:

SA(A) Edward J. Cahill
SA Richard A. Minihan
SA John A. Harrington
SA Maurice W. Corcoran
SA Vincent J. Cahill
SA Richard T. Hradsky
SA Robert F. Royal
SA Thomas J. McAndrews
SA Hilding L. Dahlgren

The writer agrees with these recommendations. Details of the part each had in the successful prosecution appear in the New York letter attached.

ADDENDUM - SBD:awj

Former Bureau Supervisor Elmer F. Emrich (now ASAC at El Paso) supervised this case from its inception until his transfer 6-13-52. He handled this case with considerable aggressiveness. Many constructive and productive suggestions were made by Emrich in guiding the field investigation. His work was meticulous and thorough. Supervisor Anthony P. Litrento took over supervision of this case after the transfer of Emrich. He has conscientiously and painstakingly devoted himself to the careful and thorough preparation of this case for trial. He has given careful study to the matter of developing corroborative witnesses and documentary evidence with the results shown by the outcome of the trial.

65-59312-856

- 3 -
~~TOP SECRET~~

[redacted] b1

Braniff
[redacted] b1

(4)

27 May, 1953.

William PERL.

[redacted]

b1

N

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65-59312-2611

JUN 12 1953

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MAY 27 1953

b1

LITREIT

[Handwritten signature]

~~SECRET~~

June 9, 1953

[redacted] (S) b1

9913

RECORDED-1165-59312-857 RE: WILLIAM PERL

[redacted] b1

There is being furnished herewith a summary of the latest developments in this case, which supplements information previously furnished you in our memorandum of March 16, 1951. (u)

Prosecution

On May 19, 1953, the perjury trial of William Perl commenced before U. S. District Judge Sylvester Ryan in the Southern District of New York and a jury. On May 22, 1953, the jury returned a verdict of guilty on two counts of the indictment relating to the denials of Perl concerning his acquaintance and association with Morton Sobell and Julius Rosenberg. The jury returned a verdict of not guilty on the remaining counts relating to the denials of Perl concerning his acquaintance with Helene Elitcher and Michael and Anne Sidorovich. The jury recommended clemency in its findings. On June 5, 1953, Perl was sentenced to five years on each count to run concurrently. (u)

Additional Espionage Allegations

David Greenglass has recalled that in the Spring or Fall of 1948, Rosenberg told him he had received "from one of his boys" the mathematics involved in the construction of an atomic energy airplane motor. In addition to this, an informant, whose reliability cannot be accurately judged but who has had contact with Julius Rosenberg, advised that Rosenberg told him Perl had furnished him with much valuable information. Rosenberg stated this included the plans for the use of "nuclear fission to propel airplanes." Rosenberg described Perl to this informant as a brilliant man in the field of aerodynamics and that some of the material furnished to Rosenberg by Perl was "terrific." It is known that Dr. Abraham Silverstein, Perl's superior at the National Advisory

THIS IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

Classified by 4913
Exempt from GDS, Category 3
Date of Declassification Indefinite
7/14/83 - 8578

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gearty _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gins _____
- Miss Gandy _____

65-59312
cc - 2 - Legal Attache
London, England
cc - Foreign Service Desk

~~SECRET~~ - AIR COURIER

MAILED FROM DIVISION FIVE

79 JUN 22 1953

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AB
WB

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~~SECRET~~

Committee for Aeronautics, had in his possession in the Fall of 1948 a secret mathematical analysis dealing with the "Nuclear Energy for the Propulsion of Aircraft" Project. Dr. Silverstein has advised that he did not allow Perl access to this report. [u]

David Greenglass also recalled that Rosenberg indicated to him in the Spring of 1948 that he had an espionage contact who had been working on a dam project in Egypt from whom Rosenberg had borrowed money. Investigation has reflected that the Hugh L. Cooper Company in New York City was engaged in work on the Aswan Dam Project in Egypt and that William Perl received payment from this company for doing some calculations on certain principles of aerodynamics involved in the construction of the dam. [u]

65-59312-857

- 2 -

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 29 1953

TELETYPE

WASH 1 FROM NEW YORK 29 1-37 AM
DIRECTOR URGENT

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

Lit
W. J. ...

ay
WILLIAM PERL, WA, ESP - R, PERJURY. REURTEL MAY TWENTYSEVEN LAST.

AUSA MARTIN ADVISED FUTURE COURSE FEB., FIFTYTHREE GJ NOT YET DETERMINED. STATED HE IS CONSIDERING POSSIBILITY OF CALLING OTHER WITNESSES WHOSE NAMES MENTIONED DURING PREVIOUS PROCEEDINGS. ALSO DESIRED THIS GJ AVAILABLE UNTIL AFTER PERL SENTENCED IN EVENT ANY POSSIBILITY OF COOPERATION BY PERL OR OTHER PERSONS IN RELATED CASES, PARTICULARLY IN VIEW OF CURRENT STATUS ROSENBERG PROCEEDINGS AND PUBLICITY ATTENDANT THERETO. THIS MATTER BEING CLOSELY FOLLOWED BY NYO AND BUREAU WILL BE ADVISED DEVELOPMENTS. RE MY TEL MAY TWENTY SEVEN LAST. FOR INFO, ATTORNEY PHILIP WITTNEBERG OF LAW FIRM, WITTENBERG, CARRINGTON AND FARNSWORTH, NYC TELEPHONED CHIEF ASST. USA MAC MAHON FIVE THIRTY PM, MAY TWENTYSEVEN TO ADVISE HE HAD LONG CONFERENCE WITH MRS. PERL CONCERNING APPEAL. WITTENBERG EXPLAINED TO MAC MAHON CONFIDENTIALLY THAT HIS FIRM IS NOT INTERESTED IN REPRESENTING SPIES, THAT HIS PARTNER, FARNSWORTH, IS A GENERAL IN ACTIVE ARMY SERVICE AND HE HAD NOT TIME FOR ESPIONAGE CASES. HOWEVER, WITTENBERG OFFERED, IF AGREEABLE TO MAC MAHON, TO TAKE

INTEREST IN CASE WITH SOLE PURPOSE OF INDUCING PERL TO TALK. MAC MAHON ADVISED WITTENBERG THAT FDH RULES REQUIRE NOTICE OF APPEARANCE

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53 JUN 18 1953 COPIES DESTROYED
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JUN 5 1953

S. ...

PAGE TWO

FOR SECOND CONFERENCE WITH PRISONER. WITTENBERG LATER TELEPHONICALLY ADVISED MAC MAHON NOTICE OF APPEARANCE FILED, AND HE, TOGETHER WITH MRS. PERL, ANTICIPATED CONFERENCE WITH PERL AT FDH. WARDEN THOMPSON CONFIDENTIALLY ADVISED THIS OFFICE WITTENBERG AND MRS. PERL CONFERRED WITH PERL FROM ONE THIRTY TO THREE PM AND HAVE APPOINTMENT FOR FURTHER CONFERENCE WITH PERL AT TWO THIRTY PM MAY TWENTY NINE NEXT. NYO INDICIES REFLECT WITTENBERG SUBJECT OF "PHILIP WITTENBERG, INCOMING PASSENGER, SAN ANTONIO, TEXAS, VIA AMERICAN AIRLINES, AUGUST ELEVEN, FORTY FOUR, FOREIGN TRAVEL CONTROL". ALSO MENTIONED IN DUCASE AS CONTACT OF ONE HANS REUSCH, WHO WAS A CONTACT OF SUBJECT LILLIE C. STEIN. WITTENBERG STATED TO BE MEMBER DURING THIRTY-S OF LAW COMMITTEE OF AMERICAN JEWISH CONGRESS, THE CIVIL LIBERTIES UNION, AND NATIONAL COMMITTEE OF INTERNATIONAL JURIDICAL ASSOCIATION, REPORTED COMMUNIST FRONT. WITTENBERG-S ASSOCIATE CARRINGTON DECEASED. WITTENBERG-S ASSOCIATE FARNSWORTH SUBJECT, "WILLIAM PORTER FARNSWORTH, AEA".

END PAGE TWO

65-59312-858

PAGE THREE

ATTORNEY HENRY EPSTEIN WHO VISITED PERL ON MAY TWENTY FIVE LAST IS FORMER SOLICITOR GENERAL, NY STATE. APPARENTLY NOT TAKING CASE IN VIEW OF WITTENBERG-S CURRENT ACTIVITY. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

BOARDMAN

HLD

65-59312-858

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 25 1953

TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WASH 25 FROM NEW YORK 29 10-15 PM
DIRECTOR URGENT

G.I.R.-5

WILLIAM PERL, WA, ESP -R, PERJURY. CHIEF AUSA MAC MAHON TODAY RECEIVED LETTER OF AUTHORIZATION FROM ATTORNEY RAYMOND L. WISE FOR SUBSTITUTION OF ATTORNEY PHILIP WITTENBERG IN INST. CASE. NOTED WITTENBERG VISITED PERL AT FDH FROM TWELVE THIRTY TO ONE FORTYFIVE PM THIS DATE. AT TWO THIRTY PM CLERK OF COURT, SDNY, CONTACTED BY ONE IRVING LIKE, ATTORNEY, SEVEN ZERO WEST FORTY ST., NYC, REPRESENTING WITTENBERG, WHO SUBMITTED HANDWRITTEN LETTER FROM PERL AUTHORIZING SUBSTITUTION OF ATTORNEYS. LIKE STATED REQUEST WOULD BE MADE NEXT WEEK FOR ORDER TO RETURN TWENTY THOUSAND DOLLARS CASH BAIL. TO DATE, WITTENBERG HAS NOT RECONTACTED MAC MAHON. BUREAU WILL BE ADVISED.

BOARDMAN

END
NY R 25 WA SMS
DISV

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165-59312-859
JUN 3 1953

JUN 25 1953

COMMUNICATIONS SECTION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 3 1953
TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Miss Gandy	

WASHINGTON FROM NEW YORK 17 3 10-03P
DIRECTOR U R G E N T

WILLIAM PERL, WA, ESP-R. AUSA ROBERT MARTIN ADVISED JUNE THREE THAT IN REQUESTING MAXIMUM SENTENCE FOR WILLIAM PERL FRIDAY JUNE FIVE NEXT HE INTENDS TO ADVISE JUDGE RYAN THAT THE U. S. GOVT POSSESSES INFORMATION INVOLVING PERL IN ESPIONAGE WHICH CANNOT BE MADE PUBLIC. HOWEVER, HE INTENDS TO POINT OUT THAT SIXTY FIVE MORTON ST., NYC, WAS USED BY THE ROSENBERG RING, THAT ROSENBERG HAD ANOTHER APARTMENT ON THE LOWER EAST SIDE, THAT PERL WAS AT BUDD LAKE WITH HIS WIFE IN JUNE FORTY FOUR AND ROSENBERG HAD RENTED A COTTAGE AT BUDD LAKE, THAT PHOTOGRAPHIC EQUIPMENT WAS CONTAINED IN THE APARTMENT AT SIXTY FIVE MORTON ST., AND THAT PERL WAS PRESENT IN JANUARY NINETEEN FIFTY WHEN SIXTY FIVE MORTON ST. WAS VACATED ONE MONTH AFTER THE ARREST OF KLAUS FUCHS. MARTIN ADVISED THAT NO SOURCES WOULD BE MENTIONED AND THAT THE FOREGOING STATEMENTS WOULD NOT BE FURTHER AMPLIFIED. HE REQUESTED THAT IF THERE IS ANY OBJECTION HE BE ADVISED

GLR-5

BY THURSDAY NIGHT JUNE FOUR

RECORDED - 109
BOARDMAN

165-59312-860
JUN 19 1953

HOLD

60 JUL 1 1953

*cc: Belmont
Boardman*

- Mr. Tolson _____
- Mr. Ladd _____
- Mr. Nichols _____
- Mr. Belmont _____
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Rosen _____
- Mr. Tracy _____
- Mr. Gearty _____
- Mr. Mohr _____
- Mr. Winterrowd _____
- Tele. Room _____
- Mr. Holloman _____
- Mr. Sizoo _____
- Miss Gandy _____

Agency Plea Ignored:

Perl Given 5 Years In Perjury on A-Spies

Federal Judge Ryan today sentenced William Perl, 34, former physics instructor at Columbia University, to five years in prison for perjury.

Ryan brushed aside a recommendation of clemency made by a jury which convicted the jet-propulsion expert of falsely telling a grand jury that he did not know Julius Rosenberg, condemned atom spy, and Morton Sobell, electronics expert who is under a 30-year sentence for espionage.

PERJURY STRUCK BLOW.

Ryan acted after Chief Asst. U. S. Attorney McMahon had asserted that Perl's testimony before the grand jury would have been "of great help in putting an end to Soviet espionage in this country."

"His perjury struck a great blow at this country's security and, therefore, he should be punished most severely," McMahon said.

Ryan said Perl's explanation offered to the jury was "stupid, clumsy and an affront to the in-

telligence of a normal man."

Perl had testified at his trial that he interpreted the questions as to whether he knew Rosenberg or Sobell as referring to an intimate and then a present acquaintance.

Ryan sentenced Perl to the maximum term of five years on each count, but directed that the terms run concurrently.

Ryan asserted evidence at the trial "abundantly established" that Perl had "willingly and knowingly given false testimony."

He said Perl had as his motive not to conceal the actions of his youth but to "conceal and withhold information concerning certain activities in his mature life."

PERL EMOTIONLESS.

Perl showed no emotion. He had remained standing during a long plea for clemency by his attorney, Philip Wittenberg. After 35 minutes of Government and defense pleas to the court, Ryan instructed that a chair be brought for him.

His wife, Henrietta, who smilingly chatted with another woman before sentence was imposed, also showed no emotion. She went to visit her husband immediately thereafter. The Perls have a 10-month son.

The Court of Appeals later denied a motion to release Perl in \$20,000 bail, pending an appeal.

Belongs to RB per me

*File 65-59312
S/mc*

165-59312-A

98 JUN 12 1957

CLIPPING FROM THE
N.Y. JOURNAL AMERICAN

Special Edition

DATED 11 N 5 1957
FORWARDED BY N. Y. DIVISION

57
JUN 15 1957

Office Memorandum • UNITED STATES GOV.

TO : MR. A. H. BELMONT

~~TOP SECRET~~

DATE: June 8, 1953

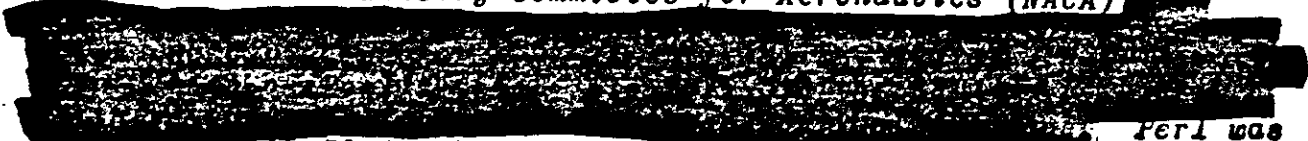
FROM : MR. W. A. BRANIGAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

SUBJECT: WILLIAM PERL
PERJURY
ESPIONAGE - R
(BuFile 65-59312)

- Belmont _____
- Ladd _____
- Nichols _____
- Boardman _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Taney _____
- Tracy _____
- Harbo _____
- Belmont _____
- Tele. Room _____
- Holloman _____
- Sizoo _____
- Miss Gandy _____

William Perl, aeronautical engineer, formerly employed by the National Advisory Committee for Aeronautics (NACA)



Perl was indicted 3-13-51 in the Southern District of New York on four counts for perjury arising out of false statements made by him to a Federal Grand Jury on 9-11-50 in denying acquaintanceship with Rosenberg, Sobell, and others. Perl was convicted in U. S. District Court, Southern District of New York, 5-22-53, on two counts of perjury and was sentenced on 6-5-53 to five years on each count to run concurrently. By letter of 5-26-53, the SAC at New York recommended that Lloyd F. MacMahon, Chief Assistant to the U. S. Attorney, Southern District of New York, and Robert F. Martin, Assistant to the U. S. Attorney, Southern District of New York, be given letters of commendation for their work in this case. MacMahon, who is newly appointed, handled the bulk of the trial and throughout the preparation for the trial cooperated fully with Bureau agents. Martin, who will be relieved of his position due to a change in administration, handled the case during the previous administration and was completely familiar with all the facts. He conducted the examination of many witnesses in a very competent fashion. (TS) b1

RECOMMENDATION

It is recommended that letters of commendation be prepared by the Crime Records Section for Mr. MacMahon and Mr. Martin for their part in this case, which case represented a notable victory for the Bureau in discharging its responsibilities in the internal security field.

Handwritten notes:
6-11-53
MLL

Classified by 4913
 Exempt from GDS, Category 2
 Date of Declassification Indefinite
 App/bic 3-20-78
 RECORDED - 59

65-59312 - 861
 JUN 10 1953
 (Handwritten initials and marks)

JPL:adn awr

~~TOP SECRET~~

RECORDED - 59

65-59312-861

June 11, 1953

Mr. Lloyd F. MacMahon
Chief Assistant United States Attorney
Southern District of New York
New York, New York

Dear Mr. MacMahon:

I would like to take this opportunity
to extend my sincere congratulations on your
splendid work in the recent matter of William Perl.

The success achieved in the prosecution
of this case must indeed be a source of deep personal
satisfaction for you. You may be sure that my
associates in the New York Office of the FBI and I
appreciate the fine cooperation afforded by you
in connection with the preparations for the trial.

Sincerely yours,
J. Edgar Hoover

cc - New York, reurlet 5-26-53

NOTE: Bufiles concerning Mr. MacMahon reflect
nothing derogatory.

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Quinn Tamm _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gandy _____

MLL:gal

V.

SUBV. DIV. DIRECTOR

JUN 11 4 05 PM '53

MAILED 2
JUN 23 10 53 '53
COMM-FBI

79 JUN 23 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
JUN 26 1953
TELETYPE

[Handwritten signatures and initials]

WASHINGTON FROM NEW YORK 26 4 11-30P
DIRECTOR U R G E N T

M

WILLIAM PERL, WA, ESPIONAGE - R, PERJURY. FRANK KENTON, PAROLE OFFICER, FDH, NYC, ADVISED DEFENSE ATTORNEY WITTENBERG VISITED PERL JUNE THREE, LAST, AND DURING CONFERENCE, PERL WROTE LETTER TO JUDGE RYAN, WHICH WITTENBERG ADVISED HE INTENDED TO DELIVER PERSONALLY. KENTON STATED A CATHOLIC PRIEST, WHO GAVE HIS NAME AS FATHER GORDON, ATTEMPTED TO SEE PERL ON JUNE THREE, LAST, BUT WAS REFUSED ADMITTANCE TO FDH. ONLY OTHER VISITORS HAVE BEEN PERL-S WIFE, HENRIETTA, HIS MOTHER, SARAH MUTTERPERL, AND HIS SISTER, ANNE BLUM. CLERK OF COURT, SDNY, ADVISED TODAY ATTORNEY LIKE, ACTING FOR WITTENBERG, MADE FORMAL APPLICATION FOR RETURN OF PERL BAIL THIS DATE, AND CHECK FOR TWENTY THOUSAND DOLLARS WILL BE HANDED TO ABRAHAM MUTTERPERL, PROBABLY JUNE FIVE, NEXT. WITTENBERG TODAY CONFERRED WITH AUSAS MC MAHAN AND MARTIN RE SENTENCE RECOMMENDATION. WITTENBERG STATED HE HAD TALKED TO PERL FOR SEVERAL HOURS AND THAT PERL MAINTAINED HIS INNOCENCE. WITTENBERG STATED HE HAS RECEIVED NO SATISFACTION FROM PERL SO FAR, THAT HE IS HANDLING CASE ON APPEAL AT REQUEST OF HIS SON, JONATHAN, WHO IS STUDENT AT COLUMBIA. MARTIN INDICATED

END PAGE ONE

JUN 26 1953

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R.28 NOV 22 1960

RECORDED-57

EX - 104

615-59312-862

JUN 10 1953

PAGE TWO

GOVERNMENT WOULD REQUEST MAXIMUM SENTENCE. FURTHER, THAT HE RECEIVED LETTER FROM JUDGE RYAN, WRITTEN BY PERL, ON JUNE THREE, LAST, COPY BEING FURNISHED THIS OFFICE. IN SUBSTANCE, LETTER REQUESTS MODERATE SENTENCE, STATING INTEREST IN SCIENCE AND HIS FAMILY. LETTER CONTAINS NO EXPRESSION OF GUILT OR INNOCENCE. SUBJECT SCHEDULED FOR SENTENCE AT TEN THIRTY A. M. JUNE FIVE, NEXT. BUREAU WILL BE ADVISED.

CMARDMAN

HOLD

65-59312-862

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 6 1953

TELETYPE

FBI NYC 6-6-53 4-02 AM AJM

DIRECTOR URGENT

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

WILLIAM PERL, ESP-R, PERJURY. SUBJECT SENTENCED BY JUDGE SYLVESTER RYAN, SDNY, JUNE FIVE, FIFTYTHREE, TO FIVE YEARS CUSTODY IN ATTORNEY GENERAL ON EACH OF ROSENBERG AND SOBELL COUNTS, SENTENCES TO RUN CONCURRENTLY. CHIEF AUSA MAC MAHON AND DEFENSE ATTORNEY PHILIP WITTENBERG MADE SENTENCE ARGUMENTS. SUBJECT PERL MADE STATEMENT. IN PASSING SENTENCE JUDGE RYAN STATED HE COULD NOT ACCEPT JURY-S RECOMMENDATION OF CLEMENCY, THAT PERL-S ATTEMPTED EXPLANATION OF CHARGES FROM WITNESS STAND BOTH STUPID AND CLUMSY AND THAT HIS MOTIVE WAS NOT TO CONCEAL MISTAKEN PHILOSOPHY OF YOUTH BUT THAT HE FOUND MOTIVE TO BE TO CONCEAL ACTIVITIES OF MATURE LIFE. STATED REASONS FOR CONCURRENT SENTENCES THAT EACH COUNT FLOWED FROM SINGLE SOURCE. SUBJECT WAS IMMEDIATELY REMANDED. THEREUPON WITTENBERG MOVED FOR ARREST OF JUDGEMENT. JUDGE RYAN DIRECTED SHORT RECESS TO ALLOW FILING NOTICE OF APPEAL AND THAT HE WOULD HEAR ARGUMENT TO ARREST JUDGEMENT IN CHAMBERS. NOTICE OF APPEAL FILED AND RYAN HEARD ARGUMENTS FOR ARREST OF JUDGEMENT AND RELEASED BAIL PENDING APPEAL IN CHAMBERS AND DENIED BOTH. WITTENBERG IMMEDIATELY APPEARED BEFORE CCA, SECOND CIRCUIT, COMPOSED OF CHIEF JUDGE THOMAS W. SWAN, PRESIDING, AND JUDGES

G.N.R.-5

COPIES DESTROYED
5-8-88 NOV 22 1960

55 JUN 25 1953

RECORDED-57
EX - 104

65-59312-863

JUN 10 1953

END PAGE ONE

PAGE TWO

AUGUSTUS N. HAND AND HARRIE B. CHASE TO ARGUE BAIL. MADE FOUR POINTS. FIRST, DEFINITION OF THE WORD "KNOW" REFERRING TO JUDGE YOUNGDAHL-S DECISION IN LATTIMORE CASE. SECOND, AUTHORITY OF GRAND JURY FOREMAN TO ADMINISTER OATH IN LINE WITH MEMO PREVIOUSLY FILED BY ATTORNEY WISE ATTACKING INDICTMENT. THIRD, THAT PERL NOW A FAMILY MAN AND WOULD NOT FLEE. FOURTH, INSUFFICIENT EVIDENCE AT TRIAL TO SUSTAIN VERDICT BEYOND REASONABLE DOUBT. AUSA MARTIN MADE OPPOSING ARGUMENT. APPLICATION FOR BAIL DENIED BY CCA. JUDGE SWAN STATED NO SHOWING OF SUBSTANTIAL QUESTION OF LAW FOR APPEAL IN ABOVE ARGUMENTS. AUSA MARTIN LATER STATED WITTENBERG ADVISED HIM HE WOULD PREPARE APPEAL PAPERS. NOTED CCA ADJOURNING FOR SUMMER RECESS AND PROBABILITY EXISTS THAT NO FURTHER ACTION WILL BE TAKEN UNTIL OCTOBER FIFTYTHREE TERM. CLEVELAND ADVISED FOR INFO SIDOROVICH. BUREAU WILL BE FURTHER ADVISED.

BOARDMAN

CLEVELAND ADVISED

HOLD

65-59312-883

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

FILE DESCRIPTION

BUREAU FILE

SUBJECT WILLIAM PERL

FILE NO. 65-59312

SECTION NO. 18

SERIALS 864-940

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
864	6-10-53	Letter from USA to Director	2	2	
864	6-16-53	Letter from Director to USA	1	1	
NR	6-10-53	Letter from AUSA to Director	2	2	
NR	6-15-53	Letter from Director to AUSA	2	2	
865	6-12-53	Letter from Chief AUSA to Director	1	1	
865	6-16-53	Letter from Director to Chief AUSA	1	1	
866	6-25-53	Memo from R.E. Wicks, to Nichols HQ	2	2	
867	7-2-53	R/S w/ Boardman note to Director	2	2	
868	8-7-53	Letter from SAC CY to Director	1	1	
869	8-7-53	Airtel from NY to HQ	1	1	
NR	7-31-53	Inventory sheet for Bulky Exhibit from SAC CY to HQ	1	1	
870	8-14-53	Airtel from N.Y. to HQ	1	1	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
871	8-24-53	NY to HQ memo w/ NY Report + Copy pg 1 + Trade Report	2/19/7	2/10/7	
871	9-11-53	HQ to NY memo	1	1	
871	10-16-53	NY R/S to HQ w/ encs.	1/4	1/4	uncorrected pgs. attached as encs.
872	9-11-53	Letter from Director to AAG	2	2	
873	9-24-53	Memo from W.A. Branigan to A. H. Belmont	1	1	
874	9-25-53	Teletype from IP to Director, HQ, and SAC N.Y.	1	1	
874	9-28-53	Teletype from Director to SAC IP	2	2	
875	9-23-53	Teletype from N.Y. to HQ and Director	1	1	
876	9-23-53	Teletype from IP to Director, HQ, and SAC N.Y.	1	1	
877	9-23-53	Teletype from IP to Director, HQ, and SAC N.Y.	1	1	
878	9-22-53	Teletype from N.Y. to Director	2	2	
878	9-29-53	Letter from the Director to AAG	1	1	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
879	10-8-53	Letter from SAC I.P. to the Director	1	1	
879X	10-8-53	Memo. from W.A. Branigan to A.H. Belmont w/Encl Bureau File Review	2 10	-	referred
880	10-14-53	Letter from SAC N.Y. to HQ	1	1	
880	10-14-53	Letter from SAC NY to Director	1	1	
881	10-12-53	Airtel from WVFO to Director and SAC NY	1	1	
NR	10-19-53	Airtel from N.Y. to HQ	1	1	
882	10-12-53	Letter to SAC N.Y. from HQ	1	1	
882	10-19-53	Letter to Director from SAC NY	1	1	
882	10-28-53	Letter to SAC N.Y. from Director	1	1	
883	10-19-53	Airtel from N.Y. to H.Q.	1	1	
884	10-22-53	Teletype From N.Y. to Director and HQ	1	1	
885	10-28-53	Airtel from N.Y. to HQ	1	1	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
886	11-10-53	Letter from SAC I.P. to Director	1	1	
887	11-19-53	Letter from SAC N.Y. to Director	2	2	
888	11-5-53	Memo from W.A. Branigan to A.H. Belmont	2	2	
889	11-18-53	Teletype to Director from N.Y.	2	2	
890	11-20-53	Memo from W.A. Branigan to A.H. Belmont	1	1	
891	11-27-53	Letter from SAC N.Y. to Director	2	2	
892	11-30-53	Letter from OTHER Gov't Agency to the Director	1	-	Referred
893	12-15-53	Airtel from N.Y. to HQ	1	1	
894	1-8-54	Letter from SAC N.Y. To Director W/Encl Brief	1 28	1 28	
895	1-8-54	Teletype from N.Y. to Director	1	1	
896	1-14-54	Letter from SAC N.Y. to Director W/Encl Reply Brief	1 5	1 5	
897	1-14-54	Teletype from N.Y. to Director	1	1	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
897X	1-18-54	memo from W.A. Branigan to A.H. Belmont	1	1	
898	1-15-54	Teletype from N.Y. to Director	1	1	
899	2-3-54	Letter to Director from SAC NY	1	1	
900	2-3-54	Letter to Director from SAC NY	1	1	
901	2-3-54	Letter from SAC N.Y. to Director	1	1	
902	2-3-54	Letter from SAC N.Y. to Director	1	1	
903	2-11-54	Memo to Mr. Ladd From A.H. Belmont	1	1	
904	2-11-54	Teletype from N.Y. to Director	2	2	
905	2-11-54	Letter from SAC N.Y. to Director w/incl. of decision rendered	13	13	best copy of enc. possible
906	2-18-54	Letter from Director to SAC NY	1	1	
907	3-3-54	Letter from Director to SAC NY	1	1	
908	3-18-54	Report from N.Y. to HQ	5	5	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
908	3-18-54	Letter from SAC N.Y. to Director	2	2	
908	3-26-54	Letter from Director to SAC N.Y.	1	1	
909	3-26-54	memo from W.A. Branigan to A.H. Belmont	2	2	
910	4-2-54	Teletype from N.Y. to Director	1	1	
911	4-6-54	Teletype from I.P. to Director, HQ, and SAC N.Y.	1	1	
912	4-29-54	Letter from SAC I.P. to Director	1	1	
913	5-12-54	Letter from SAC N.Y. to Director	1	1	
914	5-26-54	Letter from SAC I.P. to Director	1	1	
915	5-27-54	Report from N.Y. to HQ	5	5	
NR	6-18-54	Letter to SAC L.A. from Director	3	-	1 pg matches referred
916	7-15-54	Report from I.P. to HQ	4	4	
916	7-28-54	Letter, to SAC N.Y. from Director	1	1	

File No: 65-59312Re: William PerlDate: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
917	7-28-54	Report from N.Y. to HQ	7	7	1pg no charge
917	7-28-54	Letter from SAC N.Y. to Director	2	2	
917	8-13-54	Letter from Director to SAC N.Y.	2	2	
918	8-3-54	Letter to Director from SAC N.Y.	1	1	
918	8-12-54	Letter from Director to SAC N.Y.	1	1	
919	7-30-54	Letter from Nat. Adv. Comm for Aeron. to Director + HQ W/Encl report of interview by ...	4	-	referred
920	8-23-54	Letter to the Director from SAC I.P.	1	1	
921	9-13-54	Letter to The Director from SAC N.Y.	1	1	
922	10-8-54	Report from N.Y. to Hq W/A Hach routing slip	12	1	referred
922	10-22-54	Letter to SAC N.Y. from Director	1	1	
923	10-5-54	Airtel from N.Y. to HQ	2	2	
924	10-19-54	Airtel from I.P. to Director	1	1	

File No: 65-59312

Re: William Perl

Date: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
925	10-26-54	Airtel from I.P. to the Director and SAC NY	1	1	
925	10-29-54	Airtel to SAC I.P. and SAC NY from director	1	1	
926	10-28-54	Airtel to HQ and I.P. From N.Y.	2	2	
927	11-9-54	Airtel to Director and N.Y. from I.P.	1	1	
928	11-12-54	Airtel to Director and N.Y. from I.P.	1	1	
929	11-16-54	Airtel to Director and SAC N.Y. from I.P.	1	1	
9 NR	11-18-54	Airtel from Director to SAC's; WFO, DL, CI, AL, CD, CG, NY	1	1	
NR	11-18-54	memo from A.H. Belmont to L.V. Boardman	2	-	referred
N.R	11-18-54	Letter from Director to other agents - <u>Q. Jensen</u>	3	-	referred
930	11-26-54	Airtel from I.P. to Director and SAC NY	1	1	
931	12-10-54	Letter from Director to SAC N.Y.	1	1	
932	12-13-54	Letter to the Director from SAC N.Y. w/Encl Report from NY. to HQ	5	1	referred

File No: 65-59312

Re: William Perl

Date: 1-78
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
932	12-21-54	^{10/9/78} Letter from The Director to SAC N.Y.	1	1	
933	12-28-54	Letter from Director to SAC I.P. W/Encl Report from I.P. to HQ	1 4	1 4	
934	12-23-54	Letter from SAC N.Y. to Director	1	1	
935	1-4-55	Letter from SAC I.P. to Director W/Encl Report from I.P. to HQ	1 4	5	1 pg No Charge
936	3-3-55	Report from N.Y. to HQ	5	5	1 pg No Charge
937	3-3-55	Letter from SAC N.Y. to Director	1	1	
936	3-10-55	Letter from Director to SAC N.Y.	1	1	
NR	3-31-55	^{Excluded} Letter from HQ to S.F. w/encs.	1/2	-	referred
937	3-11-55	Report from S.F. to HQ	13	-	referred
938	7-28-55	Letter from Director to SAC NY	1	1	
939	7-29-55	memo from L.B. Nichols from D.J. Parsons	1	1	
940	9-29-55	Letter from SAC N.Y. to Director	1	1	

U. S. Department of Justice

MATERIAL CONTAINED HEREIN IS UNCLASSIFIED

FEDERAL BUREAU

of

INVESTIGATION

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50212

SECTION 10
SERIALS 89J-940

USE CARE IN HANDLING THIS FILE

Transfer-Call 421

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

United States Department of Justice

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURT HOUSE
POLEY SQUARE mcb c
NEW YORK N. Y.

116541

C 135-43

June 10, 1953

J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Re: United States v. William Perl

S i r :

As you know, William Perl has been convicted on two counts of violating Title 18, Section 1621, U.S. Code, in that he lied about knowing Julius Rosenberg and Morton Sobell, and has been sentenced to five years imprisonment. It seemed appropriate to me, at this time, to take this opportunity to compliment you on the thorough, efficient and cooperative manner in which the Agents on your staff assisted Chief Assistant United States Attorney Lloyd MacMahon and Assistant United States Attorneys Robert Martin and Norman Beier of my office in the successful prosecution of this case. It was a case of considerable importance to the national security, and I know that you, as well as all the Agents who participated in the investigation and prosecution, must be gratified with the results which have come from the many hours of hard work which your staff has put into this case.

Special Agent Maurice W. Corcoran, who worked with my staff throughout the presentation of this case, is particularly to be complimented for the very able and cooperative manner in which he handled his aspect of the work. He worked many long hours with my staff, helping them to prepare the case, and his contribution to its success is immeasurable.

RECORDED - 7

65-58312-864

JUN 15 1953

21

CRIMINAL DIVISION

J. Edgar Hoover

Handwritten notes and initials in the bottom left corner, including "6/10/53" and "E.H.T."

J. Edgar Hoover, Director

-2-

June 10, 1953

Special Agent John A. Harrington also spent a great deal of time assisting in the preparation of this case and his work was greatly appreciated.

In addition, I should like to call to your attention the work of Special Agents Edward J. Cahill, Vincent J. Cahill, Richard A. Minihan, Robert F. Royal and Richard T. Hradsky, all of whom were cooperative and helpful with respect to particular aspects of the prosecution with which they were familiar.

Respectfully,

J. Edward Lumbard

J. EDWARD LUMBARD
United States Attorney

June 16, 1953

RECORDED - 7

G.I.R.-5

Honorable J. Edward Lumbard
United States Attorney
Southern District of New York
U. S. Court House, Foley Square
New York 7, New York

My dear Mr. Lumbard:

Thank you very much for your letter of
June 10, 1953.

It was indeed thoughtful of you to write
concerning the efforts of the Special Agents you
mentioned in connection with the trial of William
Perl. Needless to say, it is always gratifying to
learn when representatives of this Bureau perform
their duties in such a commendable manner and you
may be sure that I will bring your kind remarks to
their attention. I know that they will appreciate
as much as I do your courtesy in writing.

With best wishes,

Sincerely yours,

8 cc's New York, with 8 copies of inclosing

NOTE: SA Maurice W. Corcoran EOD 9/21/42, GS-13, assigned
New York; SA John A. Harrington EOD 8/2/43, GS-12, assigned
New York; Edward Joseph Cahill EOD 11/25/40 as clerk,
10/21/46 as SA, GS-12, assigned New York; SA Vincent J.
Cahill EOD 9/21/42, GS-13, assigned New York; SA Richard A.
Hinshan, EOD 8/19/46, GS-12, assigned New York; SA Robert
F. Royal EOD 8/4/47, GS-12, assigned New York; Richard T.
Hradsky EOD 7/13/42, SA, GS-13, assigned New York.

ELT:mns

MAILED 14
JUN 17 1952
COMM-FBI

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gandy _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Sizoo _____
- Miss Gandy _____

Jun 17 10 02 AM '53

S. DEPT. OF JUSTICE

65-59312-864

June 10, 1953

J. Edgar Hoover, Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Mr. Hoover:

Having worked many months with members of your staff in the preparation and presentation of the case of United States v. William Perl, I want to take this opportunity, if it is not presumptuous, to congratulate you on the very able and efficient manner in which your staff conducted itself in this case. I know that you must be pleased that their efforts culminated in success.

Special Agent Maurice W. Corcoran, whose skill, ability and cooperative manner I came to know in the six months I have worked on the Perl case, should be called to your attention. It is agents like Corcoran who justify the confidence which all of us repose in the Federal Bureau of Investigation. This is also true of Special Agents John A. Harrington, Edward J. Cahill, Vincent J. Cahill, Richard A. Minihan, Robert F. Royal and Richard T. Hradsky, all of whom aided greatly in the presentation of this case.

This will be my last opportunity while in public office to thank you and the members of your staff for the invaluable assistance rendered to me while an Assistant United States Attorney. In the past, I have worked with members of your staff on cases such as United States v. William Remington, United States v. Alger Hiss, United States v. Frank Costello, and United States v. Julius and Ethel Rosenberg, as well as on numerous other prosecutions. In every instance, I found them to be courteous, cooperative, well-informed about their case, and both willing and able to render whatever assistance was necessary to the prosecution.

44-38861-380

UNRECORDED COPY FILED IN

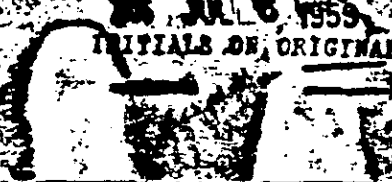
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65-59313-27 JUN 11 1953

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INITIALS OF ORIGINAL



J. Edgar Hoover, Director

-2-

June 10, 1954

It is of great satisfaction, upon returning to private practice of law, to know that the Government is so well represented by the Federal Bureau of Investigation. This can only be due to your many years as the Director of that organization.

Respectfully,

Robert Martin
ROBERT MARTIN,
Assistant U.S. Attorney,
Southern District of New York

June 25, 1953

65-59312-V

Mr. Robert Martin
Assistant United States Attorney
Southern District of New York
New York, New York

Dear Mr. Martin:

Thank you very much for your letter of
June 10, 1953, in which you commend the work of our
Special Agents in the recent case involving Willish
Perle.

Knowing that each of these men will appreciate
your thoughtfulness as much as I do, I have forwarded
them copies of your letter. Needless to say, it is
always highly gratifying to receive such a favorable
report, and I hope that the efforts of our representatives
will continue to justify your confidence.

It is with sincere regret that I learned that
you will be leaving your duties in return to the private
practice of law. Our Agents in New York will always be
appreciative of your splendid assistance and counsel,
and you should take real satisfaction from your
participation in the important cases to which you were
assigned.

You have my best wishes for every success in
your new endeavors, and I do hope the future will bring
you every possible happiness.

Sincerely yours,
J. Edgar Hoover

2 cc's New York, with 3 copies of the foregoing.

(See note next page)

HPL:lar

MAILED 2
JUN 15 1953

60 JUL 21 1953

65-59312-V

ORIGINAL COPY FILED IN

NOTE: Martin was investigated in May, 1951, when an applicant for his present position. He was born 8-24-27, is a graduate of Columbia and his background investigation was entirely favorable.

In view of the number of Agents mentioned, they are not being listed in the reply.

John A. Harrington EOD 8-2-43, GS-12, assigned New York.

Edward J. Cahill EOD 11-25-40 as Clerk, 10-21-46 as SAA, GS-12, assigned New York.

Vincent J. Cahill EOD 9-21-42, GS-13, assigned New York.

Richard A. Minihan EOD 8-19-46, GS-12, assigned New York.

Robert F. Royal EOD 8-4-47, GS-12, assigned New York.

Richard T. Hradsky EOD 7-13-42, GS-13, assigned New York.

Note: (continued) On recommendation of SAC, New York, 6-28-53, Mr. Martin was sent a congratulatory note on 6-11-53 for his work in the Perz case.

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

United States Department of Justice

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURT HOUSE
FOLLY SQUARE
NEW YORK 7, N. Y.

LFM:AU

June 12, 1953.

Honorable J. Edgar Hoover,
Director, Federal Bureau
of Investigation,
Department of Justice,
Washington 25, D. C.

W
m 8-1

Dear Mr. Hoover:

Thank you for your letter of June 11, 1953.
It is always gratifying to know that one's work is recog-
nized.

The prosecution of William Perl was my first
opportunity to work with the agents of the Federal Bureau
of Investigation, and it was indeed edifying to gain
firsthand knowledge that the fine reputation which the
Bureau enjoys with the public is justly merited. Per-
sonally, I never realized the agents of the Federal Bureau
of Investigation devoted so much time and energy to their
job. In particular, the splendid cooperation of Special
Agents Maurice Corcoran and John A. Harrington and their
careful preparation of the Perl case was in a large measure
the reason for the successful prosecution.

I plan to go to Washington sometime this summer
and I hope that I may have the pleasure of meeting you at
that time.

Sincerely yours,

Lloyd F. MacMahon

LLOYD F. MACMAHON,
Chief Assistant
United States Attorney.

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
JUN 16 1953

*ack 6/16/53
LH*

RECORDED - 56

65-59312-865

JUN 21 1953

Encl. previously
forwarded for
CORRECTION
EGD

Handwritten signatures and initials

53 JUL 6 1953

June 16, 1953

RECORDED - 56

65-59312-86

Mr. Lloyd F. MacMahon
Chief Assistant United States Attorney
Southern District of New York
New York, New York

G.I.R.-5

Dear Mr. MacMahon:

I was very glad to receive your thoughtful letter of June 12, 1953, in which you comment so favorably concerning the work of Special Agents Maurice W. Corcoran and John A. Harrington in connection with the case involving William Perl.

It certainly was kind of you to express your appreciation for their assistance, and I am happy to know that you consider their efforts instrumental in bringing this case to a successful completion.

I do hope that you will call at my office should you be in Washington this summer.

Sincerely yours,

3 cc's New York, with 3 copies of inclosing

NOTE: Bufiles contain no derogatory information concerning MacMahon.

SA Maurice W. Corcoran EOD 9/21/42, GS-13, assigned New York; SA John A. Harrington EOD 8/2/43, GS-12, assigned New York.
ELT:maj

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo
- Miss Gandy

RECEIVED
JUN 17 1953
F. B. I.

MAILED 16
JUN 17 1953
COMM-FBI

JUN 17 1953
FBI
DIRECTOR

65-59312-865

7134

June 25, 1953

Mr. Nichols:

Ex-FBI Agent Robert L. Bell, a fellow who thinks he is a friend of mine, and who for some 3 years has been Security Officer of the National Advisory Committee for Aeronautics, (NACA) called me at 10:40 a.m. Wednesday, 6-24-53.

Bell told me he would tell me something in the strictest of confidence and we could use it provided such use did not embarrass "the Director". (This latter means Dr. Hugh L. Dryden (NACA). Bell said a Mr. Larsen (who is probably Douglas A. Larsen) of Newspaper Enterprise Association (NEA) (with which Pete Edson is associated) had just seen "the Director" (Dryden) and discussed the William Perl case. Dryden told Bell that Larsen is writing a story for Scripps-Howard in which it will be pointed out that since the Rosenbergs are dead, William Perl is the only living source who knows what secrets lie sealed in the tomb of Ethel & Julius. This statement, Larsen will attribute to the FBI. According to Bell, Larsen told Dryden he had talked to an FBI official who so informed him.

As you know, Perl was recently convicted of perjury in connection with testimony he gave before a Federal Grand jury wherein he denied knowing the Rosenbergs. Perl from about 1944 to sometime in 1950 was an employee of NACA and we have information he belonged to the Rosenberg network. I understand, however, he is not the only living source of what the Rosenbergs refused to disclose.

What significance all this may have I know not; neither do I know what you may do regarding possible printing of such a story by NEA. I do know Bell was most fearful lest Dryden be compromised.

R. E. Wick

mtd

RECORDED - 61

INDEXED - 61

65-59312-866

JUL 16 1953

JUL 16 1953

(See next page ADDENDUM)

ORIGINAL COPY FILED IN

11-29749-170

ADDENDUM: LBN:arm 6/30/53. I talked to Doug Larsen and told him I had heard he was doing a story on William Perl; that there had been a report that he was attributing to the FBI the fact that William Perl is the only remaining source of the secrets that were buried with Ethel and Julius Rosenberg. Larsen told me that he was not attributing any such thing to the FBI; that he had been told by Nicholson in the Department of Justice that Perl knows a lot about the Rosenbergs no doubt and has not talked. Larsen further stated that at the end of the Perl trial, the Department of Justice prosecuting attorney reminded the judge that in passing sentence he should remember Perl was linked to the Rosenbergs. Larsen stated that he was going to New York tomorrow to talk to Kilsheimer, the assistant attorney who handled the Perl case. He wondered if we could help in any way. He stated he had not ever called us because he doubted if there was any way we could be of assistance. I told him since he had his story already prepared that we would not have time to do any checking, but that I wanted to tell him not to go off the deep end. He said he appreciated the call and would be cautious.

* Clarence Edward Nicholson is a former Special Agent who resigned from the Bureau in December, 1950. He is not one of the Bureau's favorite characters. He has been in the Department for a while and has handled some of the security cases.

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO

OFFICIAL INDICATED BELOW BY CHECK MARK

- Mr. Tolson _____
- Mr. Ladd _____
- Mr. Nichols _____
- Mr. Belmont _____
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Harbo _____
- Mr. Rosen _____
- Mr. Tracy _____
- Mr. Mohr _____
- Mr. Winterrowd _____
- Mr. Holloman _____
- Mr. Sizoo _____
- Miss Gandy _____

Belgian

See Me _____

Note and Return _____

For Your Recommendation _____

What are the facts? _____

Remarks:

7 Jul 65-59312

5-11-53

LIT/ENTO

63 JUL 16 1953

RECORDED-14 65-59312-867

29 JUL 10 1953

W
65-59312
5-11-53

New York, N. Y.
July 2, 1953

Mr. Hoover:

William Perl, recently convicted for Perjury, now serving his sentence at the Federal House of Detention, is assigned to duties cleaning latrines. He requested technical assignments or instructor's work in view of his higher education and intellectual capacity. He was told to do a good job on the toilets and he would then be considered for a promotion to sweeping floors.

LELAND V. BOARDMAN

63 JUL 16 1953

RECORDED-14 65-59312-867
28 JUL 10 1953

W
65-59312-867

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: August 7, 1953

FROM : SAC, CLEVELAND (65-2730)

SUBJECT: WILLIAM PERL, wa.
ESPIONAGE - R
PERJURY
O.O. New York

(7)

Re New York teletype, 5-22-53.

In view of the successful prosecution of PERL for perjury and inasmuch as there are no outstanding leads in this division, this case is referred upon completion to the office of origin.

FILED

cc: New York (65-15387)

REGISTERED MAIL

DECLASSIFIED BY 4913
ON 3-20-78
AP/bsm

RECORDED - 83

EX - 112

65-59312-868

AUG 17 1953

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF declared
DATE AP/bsm 3-22-78

62 AUG 19 1953

[Handwritten signature]

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NEW YORK, N.Y.
AUGUST 7, 1953

AIRTEL

Transmit the following Teletype message to:

BUREAU.....65-59312

WILLIAM PERL, ESP-R. REPT DELAYED. WILL SUREP BY AUG. 17, 1953.

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Gearty	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Mr. Nease	_____
Miss Gandy	_____

File

K 8

B. I. N. 3

S. [Signature]

BOARDMAN

3 Bureau
65-15387
MWC:IM

RECORDED

165-59312-869
AUG 10, 1953
24

68 AUG 18 1953

233

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

#68

BULKY EXHIBIT - INVENTORY OF PROPERTY ACQUIRED AS EVIDENCE

Bufile: 65-59312

346 Cleveland Field Division

7-31-53 Date

Title and Character of Case:

WILLIAM PERL,
ESPIONAGE - R - PERJURY

Date Property Acquired: 8-11-50, 7-8-52

Source From Which Property Acquired: Files of Chief of Research and Executive Engineer, NACA, Cleveland, Ohio

Location of Property or Bulky Exhibit: Exhibit Room

Reason for Retention of Property and Efforts Made to Dispose of Same: Evidence

Description of Property or Exhibit and Identity of Agent Submitting Same:

Two sets of photos of documents secured in search of subject's apartment. Negatives and photographs of various documents concerning guided missiles and jet research during period 1943 to 1946. Submitted by SA JOHN B. O'DONOGHUE.

65-59312-V
RECORDED
SEP 31 1953

74 SEP 9 - 1953
Field File #: 65-2730

SEP 11 5 16 PM '53

Handwritten signature

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	

NEW YORK, 8/14/53

Transmit the following Teletype message to:

BUREAU

KJH

WILLIAM PERL, WAS; ESPIONAGE - R; PERJURY. REPORT DICTATED, WILL BE FORWARDED WHEN TRANSCRIBED.

BOARDMAN

Boyer
Littell

C. I. R. - 1

Mr. Belmont

RECORDED - 23

65-59312-870

AUG 15 1953

3 - BUREAU (REGULAR MAIL)

MWC:AMP #6
65-15387

Stone

Approved: *LVB*
Special Agent in Charge

Sent _____ M Per _____

TO : Director, FBI (65-59312)

FROM : SAC, New York (65-15387)

SUBJECT: WILLIAM PERL, wa
ESPIONAGE - R
PERJURY

DATE: ~~Aug 24 1953~~

CONFIDENTIAL

Enclosed herewith are five copies of the report of SA MAURICE W. CONCORAN dated **AUG 26 1953**, NY together with disposition sheet and parole report.

For the information of the Bureau, concerning the jury's verdict on counts two and four wherein the subject was acquitted of the charge of perjury in denying acquaintance with HELENE ELITCHER and MICHAEL and ANN SIDOROVICH, it has been confidentially ascertained that Judge SYLVESTER J. RYAN'S unofficial opinion, expressed in private, was that in view of the evidence, and in view of the complete failure of PERL'S attempted explanation of the charges, the jury should have returned a verdict of guilty on all four counts.

Likewise in the above connection Chief Assistant US Attorney LLOYD F. MAC MAHON has confidentially advised that shortly after sentence in instant case he was visited in his office by two members of the jury. He identified these men as FREEMAN LINCOLN, an editor on Fortune, Time and Life Incorporated, No. 9 Rockefeller Plaza, NYC, who resides at 80 East 74th Street, NYC and GEORGE PARKER SHUTT, Advertising Department, Fortune, Time and Life Incorporated, No. 9 Rockefeller Plaza, NYC, who resides at 871 Woodland Avenue, New Rochelle, NY. These men discussed their opinions of instant case and explained the verdict as follows:

On the first ballot taken shortly after deliberations commenced, the vote was eleven to one for conviction on all counts. The minority vote was cast by juror number eleven, one HERMAN SOMMERFELD. He is identified on the jury list as a retired businessman who resides at 1881 Sedgwick Avenue, NYC. During the course of the deliberations, several additional ballots were taken and each time Mr. SOMMERFELD voted for acquittal on all four counts.

During the late afternoon it became apparent that SOMMERFELD was attempting to return a no decision verdict since, according to Messrs. LINCOLN and SHUTT, he would not listen to the arguments of the other jurors and refused to propose any arguments to sustain his own position. After all efforts to address SOMMERFELD logically had failed, attempts were made by the majority jurors to compromise the issues.

The first proposal was to return a guilty verdict on all counts with a recommendation for clemency, to which SOMMERFELD would not agree.

ENCL.

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R & B NOV 22 1960

DECLASSIFIED BY 4811
ON 3-20-76
AP/BJ

165-59312-871
31 AUG 26 1953

RECORDED-97

INDEXED-97

RM

Encs. (5)

MWC:AMF

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF THIS DOCUMENT.

Letter to Director
NY 65-15387

Thereafter, according to Messrs. LINCOLN and SHUTT, solely to save a hung jury, a proposal was made to acquit on the ELITCHER and SIDOROVICH counts (Counts two and four), with a recommendation for clemency on counts one and three. SOMMERFELD thereupon stated he would vote with the majority if the above two counts were acquitted and a recommendation also made for clemency on the ROSENBERG and SOBELL counts. As the Bureau has been advised previously, the verdict was returned on this basis.

The above two men advised AUSA MAC MAHON that there was considerable dissention in the jury room because of the adamant position taken by SOMMERFELD.

It should be noted that the files of the NYO contain no information concerning this individual.

The above is for your confidential information.

FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

ALT

REPORT MADE AT NEW YORK	DATE WHEN MADE 5/21/53	PERIOD FOR WHICH MADE 5/18-7/23; 8/7, 13/53	REPORT MADE BY MAURICE W. CORCORAN
TITLE WILLIAM FERL, wa		CHARACTER OF CASE ESPIONAGE - R PERJURY	

SYNOPSIS OF FACTS:

Trial of subject on four counts of perjury charging violation Section 1621, Title 18, USC in that he denied before Federal Grand Jury, SDNY in 1950 that he did not know (1) MORTON SOBELL, (2) HELENE ELITCHER, (3) JULIUS ROSENBERG and (4) MICHAEL and ANN SIDOROVICH, commenced before Honorable SYLVESTER J. RYAN, USDC, SDNY and jury on 5/18/53. FERL continued on \$20,000. bond during trial. Subject and three character witnesses testified in defense. On 5/22/53 jury verdict of guilty on counts one and three of knowing MORTON SOBELL and JULIUS ROSENBERG, respectively, with recommendation for clemency. FERL acquitted on counts two and four of knowing HELENE ELITCHER and MICHAEL and ANN SIDOROVICH. Bail cancelled and subject remanded to FDH, NYC on that date pending sentence. On 6/5/53 subject sentenced by Judge RYAN to five years custody of Attorney General on counts one and three to run concurrently. Motion for Arrest of Judgment and Reinstatement of Bail pending appeal denied 6/5/53. Notice of Appeal filed that date and Appeal of Denial of Bail argued before US Circuit Court of Appeals, Second Circuit same date. Denied. Subject transferred from FDH, NYC to US Penitentiary, Terre Haute, Indiana on 7/15/53. Parole report and disposition sheet submitted.

- P -

DETAILS:

Trial of the subject on four counts of perjury charging violation of Section 1621, Title 18, United States Code in that he denied before a Federal Grand Jury, Southern District of New York on August 18, September 11 and October 4, 1950 that he did not know (1) MORTON SOBELL, (2) HELENE ELITCHER, (3) JULIUS ROSENBERG and (4) MICHAEL and ANN SIDOROVICH, was commenced before the Honorable SYLVESTER J. RYAN, United States District Judge, Southern District

APPROVED AND FORWARDED: COPIES DESTROYED 115	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
NOV 22 1960 COPY IN FILE		RECORDED-97	INDEXED-91
5-Bureau (65-59312) (RM) (Encs. 4) 1 - USA, SDNY 1-Albany (65-1673) (Info.) (RM) Copies Continued 3-New York (65-15387)		65-59312-87	

PROPERTY OF FBI—This confidential report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned.

NY 65-15387

of New York and jury on Jan. 15, 1953. Upon motion of defense attorney, RAYMOND L. WISE, subject was continued in \$20,000. bond during the trial.

In May 20, 1953 WILLIAM PERL took the witness stand in his own defense. The following is a brief summary of his testimony.

He testified concerning his background, college degrees and members of his family as previously reported in instant case. He stated that his sister S. DICE MUTTERPERL, was formerly a mental patient and that his sister, BESSIE MUTTERPERL, had died in a mental hospital. He testified that he had done considerable research at the National Advisory Committee for Aeronautics (NACA) at Langley Field, Virginia and Cleveland, Ohio and that he served in the Enlisted Reserve Corps of the United States Army Air Force while at NACA and received an honorable discharge.

Pamphlets written by PERL in connection with his employment at NACA were placed in evidence as representative of the type of work in which he was engaged. He testified that subsequent to his indictment in March, 1951 he had been working on a research problem with Dr. VERNON HUGHES at Columbia University, New York City.

He testified that in July, 1950 while residing in Cleveland, Ohio, he was visited by the FBI and from July, 1950 to October 15, 1950 he was interviewed from six to twelve times by FBI agents in Cleveland, Ohio and New York City and that he was also interviewed by several Assistant United States Attorneys in New York City. He stated that the FBI agents in Cleveland, Ohio told him they were investigating him concerning the ROSENBERG and SOBELL case and that with the exception of one additional interview which took place several months prior to this period, those were his only experiences with the FBI.

Copies Continued

- 1-Cleveland (65-2730) (Info.) (RM)
- 1-Los Angeles (65-5075) (Info.) (RM)
- 1-Newark (65-4100) (Info.) (RM)
- 1-Norfolk (65-514) (Info.) (RM)
- 1-San Francisco (Info.) (RM)
- 1-Washington Field (65-5543) (Info.) (RM)

NY-65-15387

He testified that these interviews affected his state of mind and that when he appeared before the Federal Grand Jury on August 18, 1950 he had been working hard at N.C.I. and was then subject to an intensive FBI investigation. He stated that the strong emphasis made by the FBI on the death penalty had shocked him and his state of mind had become affected. He stated that when he met his legal counsel on the day before he testified in the summer of 1950 he was advised to tell the truth and cooperate fully. He stated that he has never refused to answer any questions to the FBI or any Assistant United States Attorney and that he submitted his home to a search by the FBI. He testified that at no time had he ever tried to obstruct an official investigation.

Concerning MARTON SOBELL, PERL testified that he believed his answers before the Grand Jury were the truth at that time and that the Grand Jury was asking him whether he was intimately acquainted with SOBELL and he answered accordingly. He testified that he always intended to be fair with the Grand Jury and that he never tells lies.

Concerning JULIUS ROSENBERG, he testified that he did not know ROSENBERG to the best of his recollection; that he was not intimately acquainted with him; and that he had never associated with him and according to his state of mind at that time, believed his answers before the Grand Jury to be the truth. He stated that while he did not want to lie to the Grand Jury, his state of mind at the time of his testimony repelled both ROSENBERG and SOBELL.

Concerning HELENE ELITCHER, PERL testified that he could not recall the Grand Jury's question nor his answer but conceded that it must have been asked and that his answer was in the negative. He testified that his first recollection of HELENE ELITCHER as Mrs. MAX ELITCHER was not until after his indictment and that he made no connection between "HELENE ELITCHER" and "MRS. MAX ELITCHER".

Concerning MICHAEL and ANN SIDOROVICH, PERL testified that he answered truthfully before the Grand Jury when he said he did not recall anyone by that name and could not recognize their photographs. He stated that even at the time of trial he could not recall MICHAEL or ANN SIDOROVICH or ever having met individuals presumed to be identical. He said that he did not deny the possibility that such an incident concerning the purchase of the Pfleger automobile could have occurred but that he had no recollection of it and that the incident seemed incredible to him.

NY 65-15387

PERL testified that before being subpoenaed to the Federal Grand Jury in New York City on August 18, 1950 he was questioned by Special Agents of the FBI in Cleveland concerning the SIDOROVICHs, SOBELL and ROSENBERG. To the best of his recollection he was not questioned at that time concerning HELENE ELITCHER. He stated that at the time he testified before the Grand Jury he still did not recall these individuals and thought the Grand Jury was asking him if he were intimately acquainted with them. He stated that when he later recalled SOBELL before the Grand Jury he was in a different state of mind than at the time of his previous interviews and his first appearance before the Grand Jury.

PERL testified that he paid rent for an apartment at 65 Morton Street, New York City at various intervals during 1947 and 1948 and that he may have used this address as his address of record at Columbia University. He stated he sublet the apartment from AL S. RANT and maintained two addresses simultaneously, using both the 65 Morton Street address and the address of his parents' home at 936 Tiffany Street, New York City. He stated that he made no attempt to conceal the 65 Morton Street address since he had no reason to lie and had never met JULIUS ROSENBERG at that apartment. He stated he did not know if S. RANT was a friend of JULIUS ROSENBERG.

Concerning his statement to the N.C. Loyalty Board under oath on April 22, 1950 that with the exception of one or two occasions he never saw S. RANT, this was the truth. He testified that he was introduced to S. RANT by JOEL BARR and identified the handwriting on a letter dated September 21, 1946 as his own. This letter was addressed to "Dear Puss and Al", who were probably Mr. and Mrs. ALFRED S. RANT.

Concerning another undated letter addressed by him to "Dear Al", which thanked him for a check and extended his love to Puss and regards to Mr. and Mrs. ROSS, he admitted this paper to be his own handwriting. He testified that another letter addressed to "Dear Puss" and signed "Love, Bill" was in his own handwriting and that these individuals were in fact Mr. and Mrs. ALFRED S. RANT, whom he had met on a few occasions rather than on one or two occasions. He admitted that he played down certain associations with BARR and S. RANT because of their alleged Communist Party connections and that in a statement to the FBI he minimized his association with these individuals for the same reason.

PERL testified that after graduation from City College of New York in 1939 until 1946, he did not see any member of his graduating class including JOEL BARR. In this regard he identified his own handwriting on an undated letter addressed "Dear Joel" which enclosed a sum of money for a guitar.

NY 65-15387

He stated that he could not recall writing this letter but believed his wife probably got a guitar from JOEL BARR.

Concerning a letter dated April 8, 1945 which contained the statement "What's Morty doing for a vacation", PERL testified that he did not know who "Morty" was in the letter but could not deny that it might be MORTON SOBELL.

PERL denied that he knowingly attended any Communist Party meetings at City College of New York although he might have attended Young Communist League meetings during this period, although he had no recollection of same.

PERL testified that he knew the identity of VIVIAN GLASSMAN and that he knew who she was in July, 1950 since she was a friend of JOEL BARR. He stated he had seen her several times in the presence of JOEL BARR and on other occasions, not otherwise identified. He testified that he lived for a week in the apartment of VIVIAN GLASSMAN'S sister, ELEANOR, and had seen VIVIAN during that visit.

PERL testified that he could not recall any reason for opening a bank account in the lower east side of New York City in July, 1946 although he identified his signature on a bank account record from the Public National Bank, Avenue C Branch, New York City.

PERL testified that when VIVIAN GLASSMAN visited him at Cleveland in July, 1950 she wrote the name JULIUS ROSENBERG on a piece of paper but that he did not recall who ROSENBERG was at that time except for the newspaper publicity concerning his arrest. He stated that when VIVIAN GLASSMAN offered him money to leave the country and mentioned the name ROSENBERG, he did not know what she was talking about. He admitted that he had not told the FBI of this visit for several days although he knew he was under an FBI surveillance during the period. He further admitted he destroyed the paper given to him by VIVIAN GLASSMAN and explained this action by stating that he was under a mental strain.

PERL further testified that he first met his wife, HENRIETTA S. WIDGER PERL in 1944 and entered into a common-law marriage with her in the fall of that year. In the fall of 1946 he rented the apartment at 65 Horton Street from S. RANT and again testified that he also lived at his parents' home, 936 Tiffany Street, New York City during the same period.

PERL testified he minimized his association with JOEL BLERR and ALFRED S. RANT because he was afraid he would lose his job if he was known to associate with Communists but that he did not know that S. RANT and BLERR were members of the Communist Party.

In response to a question by defense attorney, "Do you know Vivian Glassman", PERL stated he could not answer that question, that he had not seen her and had not talked to her recently and did not know what the word "know" meant. At this point Judge RYAN interrupted to ask PERL his concept of the word "know" and PERL replied that he would have to look it up in the dictionary.

PERL testified that he is not and never has been a member of the Communist Party, was never engaged in subversive activities and was "as loyal as the next fellow", but does not believe in "beating his breast about it

Mrs. DORIS STONE, 204 East 51st Street, New York City testified as a character witness that she was employed at the United Nations Records Section, New York City and that she had volunteered to be a character witness. She testified she had known PERL and his wife since 1949 and that he enjoyed an excellent reputation for truth, honesty and integrity, but had difficulty remembering names and faces.

HENRY M. FOLEY, 525 West 38th Street, New York City testified as a character witness that he was a Professor of Physics at Columbia University where he received his Ph.D degree in 1942. He stated that he knew PERL as a student in 1947 and 1948 at Columbia and became better acquainted with him in 1950 and 1951 at which time PERL was engaged as an instructor at that institution. FOLEY testified that all of his contacts with PERL were of a professional nature and that PERL had a reputation for honesty, truthfulness, integrity and veracity.

On cross-examination FOLEY testified that he did not know JULIUS ROSENBERG, MORTON SOBELL, HELENE ELITCHER and MICHAEL and ANN SIDOROVICH nor any of the facts of instant case.

Dr. VERNON HUGHES testified as a character witness that he is an Assistant Professor of Physics at the University of Pennsylvania and previously had taught at Columbia University. He stated he had known PERL since 1946 and that they worked together from the fall of 1950 to the fall of 1952. He stated that PERL enjoyed an excellent reputation. In cross-examination he testified he did not know JULIUS ROSENBERG, MORTON SOBELL, HELENE ELITCHER and MICHAEL and ANN SIDOROVICH or any of the facts concerning instant case.

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On May 22, 1953 the jury returned a verdict of guilty on counts one and three of knowing HORTON SOBELL and JULIUS ROSENBERG, respectively with a recommendation of clemency. The jury acquitted PERL on counts two and four of knowing HELENE ELITCHER and MICHAEL and ANN SIDOROVICH, respectively. Judge RYAN set June 5, 1953 as sentence date. Upon motion of the government, subject's bail was cancelled and he was immediately remanded to the Federal House of Detention, New York City pending sentence.

On May 29, 1953 according to the records of the Clerk of the United States District Court, attorney PHILIP WITTENBERG, 70 West 40th Street, New York City was substituted for PERL'S attorney, RAYMOND L. WISE, who was dismissed by the defense.

On June 5, 1953 Judge RYAN sentenced the subject to five years imprisonment in custody of the Attorney General on counts one and three to run concurrently. In passing sentence Judge RYAN stated that he could not accept the jury's recommendation of clemency and that he felt PERL'S attempted explanation of the charges on the witness stand were both stupid and clumsy as an affront to the intelligence of the normal man. Judge RYAN stated that in his opinion PERL'S motive was not to conceal mistaken philosophies of his youth gained through his association with the Young Communist League at City College of New York but that his motive was in fact to conceal activities of his mature life. He indicated that the reason for concurrent sentence on counts one and three was that each count flowed from a single source.

Immediately after sentence on June 5, 1953, defense attorney PHILIP WITTENBERG moved the court for an Arrest of Judgment and Reinstatement of Bail pending appeal. Both motions were denied by Judge RYAN on that date. Notice of Appeal was filed on June 5, 1953 and Mr. WITTENBERG immediately appeared before the United States Circuit Court of Appeals, Second Circuit, to argue the denial of bail by Judge RYAN. The bench was composed of Chief Judge THOMAS W. SWAN, presiding, and Judges AUGUSTUS N. HAND and HARRIE B. CHASE.

Mr. WITTENBERG argued four points before the Circuit Court as follows: (1) definition of the word "know" wherein he based argument upon a recent decision in the perjury case of OWEN LINTHMORE rendered by Judge YOUNGDAHL; (2) lack of authority of a Grand Jury foreman to administer an oath; (3) that PERL was now a family man and would not flee the jurisdiction pending appeal; and (4) that there was insufficient evidence at the trial to sustain the verdict beyond a reasonable doubt.

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The above application for appeal was denied by the Circuit Court of Appeals from the bench without opinion, Chief Judge SWAN stating that there had been no evidence of a substantial question of law upon which to base an appeal in the above arguments.

Warden EDWARD E. THOMPSON, Federal House of Detention, New York City advised on July 15, 1953 that subject had been transferred on that date to the United States Penitentiary, Terre Haute, Indiana.

There is being enclosed to the Bureau parole report on the subject and disposition sheet in instant case.

ENCLOSURES TO BUREAU: (4)

3 copies of parole report in instant case
1 disposition sheet

- P -

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ADMINISTRATIVE PAGE

LEADS

NEW YORK

At New York, New York:

Will maintain contact with United States Attorney, Southern District of New York and follow and report prosecutive steps in the appeal of this case.

REFERENCE

Report of SA MAURICE W. CORCORAN, 5/18/53, New York

FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

AMF

REPORT MADE AT NEW YORK	DATE WHEN MADE 5/24/53	PERIOD FOR WHICH MADE 5/18-7/23; 8/7, 13/53	REPORT MADE BY MAURICE W. CORCORAN
TITLE WILLIAM PERL, wa		CHARACTER OF CASE ESPIONAGE - R PERJURY	

SYNOPSIS OF FACTS:

Trial of subject on four counts of perjury charging violation Section 1621, Title 18, USC in that he denied before Federal Grand Jury, SDNY in 1950 that he did not know (1) MORTON SOBELL, (2) HELENE ELITCHER, (3) JULIUS ROSENBERG and (4) MICHAEL and ANN SIDOROVICH, commenced before Honorable SYLVESTER J. RYAN, USDC, SDNY and jury on 5/18/53. PERL continued on \$20,000. bond during trial. Subject and three character witnesses testified in defense. On 5/22/53 jury verdict of guilty on counts one and three of knowing MORTON SOBELL and JULIUS ROSENBERG, respectively, with recommendation for clemency. PERL acquitted on counts two and four of knowing HELENE ELITCHER and MICHAEL and ANN SIDOROVICH. Bail cancelled and subject remanded to FDH, NYC on that date pending sentence. On 6/5/53 subject sentenced by Judge RYAN to five years custody of Attorney General on counts one and three to run concurrently. Motion for Arrest of Judgment and Reinstatement of Bail pending appeal denied 6/5/53. Notice of Appeal filed that date and Appeal of Denial of Bail argued before US Circuit Court of Appeals, Second Circuit same date. Denied. Subject transferred from FDH, NYC to US Penitentiary, Terre Haute, Indiana on 7/15/53. Parole report and disposition sheet submitted.

- P -

DETAILS:

Trial of the subject on four counts of perjury charging violation of Section 1621, Title 18, United States Code in that he denied before a Federal Grand Jury, Southern District of New York on August 18, September 11 and October 4, 1950 that he did not know (1) MORTON SOBELL, (2) HELENE ELITCHER, (3) JULIUS ROSENBERG and (4) MICHAEL and ANN SIDOROVICH, was commenced before the Honorable SYLVESTER J. RYAN, United States District Judge, Southern District

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FEDERAL BUREAU OF INVESTIGATION

Form No. 2

THIS CASE ORIGINATED AT **NEW YORK**

FILE NO.

AMT

REPORT MADE AT NEW YORK	DATE WHEN MADE 8/25/53	REPORT MADE BY MAURICE W. CORCORAN
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NAME OF CONVICT WITH ALIASES:
WILLIAM PERL, wa: William Mutterperl

VIOLATION: PERJURY	PAROLE REPORT
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OUTLINE OF THE OFFENSE

The subject of this case was subpoenaed before the United States Grand Jury, Southern District of New York on three occasions during the summer and fall of 1950 to testify concerning his acquaintance with and knowledge of the activities of various members of the JULIUS ROSENBERG espionage network. This Grand Jury later indicted JULIUS ROSENBERG, his wife, ETHEL ROSENBERG, MORTON SOBELL and others for conspiracy to commit espionage on behalf of the Soviet Union. Each of the above was convicted and the ROSENBERGS were sentenced to death, which sentence was executed on June 19, 1953 at Sing Sing Prison, Ossining, New York. MORTON SOBELL is serving a thirty-year sentence at the United States Penitentiary, Alcatraz, California.

During the investigation prior to the ROSENBERG-SOBELL trial, WILLIAM PERL, on August 18, 1950, appeared in response to a subpoena and having been first duly sworn, testified that he did not know MICHAEL or ANN SIDOROVICH who were suspected of being members of the ROSENBERG network.

He likewise testified on the above date that he did not know MORTON SOBELL, or JULIUS ROSENBERG and had never met ROSENBERG'S wife, ETHEL. Also on August 18, 1950 PERL testified that he had not associated with MAX ELITCHER since City College days and did not know his wife, HELENE ELITCHER. These individuals were also suspected to be members of the network. However, they

*cc: to Bureau & District
10/23/53 H.F.*

65-59312-871

(DO NOT WRITE IN THESE SPACES)

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE ENCLOSURE	RECORDED AND INDEXED:
COPIES OF THIS REPORT FURNISHED TO: 3 - Bureau (65-59312) 1 - New York (65-15387)		CHECKED OFF:
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FEDERAL BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE AUG 25 1953		FILE:

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cooperated with the Government and later testified as Government witnesses both in the ROSENBERG-SOBELL trial and in the PERL perjury trial.

PERL was again subpoenaed on September 11, 1950 and testified under oath that he had never met MICHAEL and ANN SIDOROVICH. On the same date, PERL testified that he did not recall seeing MORTON SOBELL since City College days.

On October 4, 1950 WILLIAM PERL was again subpoenaed before the Grand Jury and testified under oath that he had no recollection of MORTON SOBELL since City College days. Later on the same date he testified that he must have seen him several times on social occasions and possibly corresponded with him but could not recall any specific meetings or correspondence.

Also on October 4, 1950 PERL testified that he had an awareness of JULIUS ROSENBERG from City College days although he did not recall seeing him thereafter.

On March 13, 1951 the Federal Grand Jury returned a true bill on indictment charging PERL with perjury on four counts. This indictment was sealed on that date and charged in substance as follows: That PERL violated Section 1621, Title 18, United States Code in that (Count One) on August 18, 1950 he denied acquaintance with MORTON SOBELL; (Count Two) that he denied acquaintance with HELENE ELITCHER; (Count Three) that he denied acquaintance with JULIUS ROSENBERG; and (Count Four) that he denied acquaintance with ANN and MICHAEL SIDOROVICH.

On March 14, 1951 the above indictment was opened by the Honorable IRVING R. KAUFMAN, United States District Court, who issued a bench warrant. Subject was arrested on that date at his home, Apartment 7A, 104 East 38th Street, New York City by Bureau agents.

On March 15, 1951 PERL was brought before Honorable HENRY W. GODDARD, United States District Judge, Southern District of New York for arraignment, at which time he entered a plea of not guilty to each of the four counts in the indictment. Bail was fixed in the amount of \$20,000., in default of which PERL was remanded to the custody of the United States Marshal and placed in the Federal House of Detention, New York City.

On March 19, 1951 PERL was released in cash bail in the amount of \$20,000.

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On May 18, 1953, trial of PERL in the above indictment commenced before Honorable SYLVESTER J. RYAN, United States District Judge, Southern District of New York and on May 22, 1953 the jury returned a verdict of guilty on Counts One and Three with a recommendation of clemency. PERL was acquitted on Counts Two and Four.

On June 5, 1953 PERL was sentenced by Judge RYAN to five years' custody of the Attorney General on each of Counts One and Three, sentences to run concurrently. Judge RYAN stated for the record at this time that he could not accept the jury's recommendation for clemency in this case.

PERL'S bail was cancelled on June 5, 1953 and he was remanded. An immediate Notice of Appeal was filed by his attorneys who argued for reinstatement of the bail on the same date before the United States Circuit Court of Appeals, Second Circuit, which was also denied.

On July 15, 1953 PERL was transferred from the Federal House of Detention, New York City, to the United States Penitentiary, Terre Haute, Indiana.

AGGRAVATING OR MITIGATING CIRCUMSTANCES

The subject of this case is an American citizen, born in New York City of Russian and Polish parentage. He was educated in the public schools of New York City and attended the City College of New York, a municipally supported institution, where he obtained a Master of Engineering (Electrical) degree in 1939. Thereafter he was employed by the United States Government as a research scientist in the National Advisory Committee for Aeronautics at Langley Field, Virginia and Cleveland, Ohio. This organization was commissioned by the President several years ago to correlate and direct both Government and private industry research in aeronautics.

According to information received from PERL and from his wife, HENRIETTA SAVIDGE PERL, they entered into a common law relationship in September, 1944, and lived together as man and wife in Cleveland, Ohio and Pasadena, California, from that date until July, 1946, when they became estranged. At this time, PERL returned alone to New York City to further his education at Columbia University. HENRIETTA SAVIDGE remained on the West Coast until February, 1947, when she too returned to New York. During the interim of their separation, according to HENRIETTA, she and PERL corresponded intermittently and upon her arrival in New York he arranged for her living accommodations in an apartment in the Greenwich Village area.

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In June, 1948, PERL returned to Cleveland, Ohio, to resume employment at the National Advisory Committee for Aeronautics. HENRIETTA SAVIDGE has advised that during the period from February, 1947, to June, 1948, while both were in New York City, they did not live together, but that PERL only visited her in the Greenwich Village apartment, his residence address being with his parents in the Bronx. Investigation in this case revealed SAVIDGE resided at the above apartment from February to September, 1947, when she secured other quarters in Manhattan. Thereafter, PERL is known to have resided in the Greenwich Village apartment until his departure for Cleveland in June, 1948.

From June, 1948, until August, 1950, PERL resided in Cleveland and visited SAVIDGE in New York City on occasion. As pointed out previously herein, PERL appeared under subpoena before the Federal Grand Jury, Southern District of New York, in August, September and October, 1950. On August 16, 1950, PERL filed a Petition for Divorce from SAVIDGE in connection with the above common law relationship at Cleveland, Ohio. On October 14, 1950, ten days after his last appearance before the Grand Jury, PERL and SAVIDGE made application for a marriage license and were legally married at New York City on October 21, 1950. The divorce proceeding was later dismissed. The United States Attorney handling this matter stated that in view of their marital status after October 21, 1950, no effort would be made to subpoena HENRIETTA either before a Grand Jury or a Petit Jury because of the husband and wife privilege.

On July 18, 1952, a child, ANDREW ARTHUR, was born. The couple resided together in New York City from the time of their marriage until PERL's conviction when his bail was cancelled.

Testimony at PERL'S trial from his classmates and from one of his close friends revealed that during his college days he was active in the Steinmetz Club, which was also known as the Engineers' Group of the Young Communist League. JULIUS ROSENBERG and MORTON SOBELL were active in this group at the same time, ROSENBERG being the President or Chairman. PERL was quoted as having stated at the time he was employed by the Government in 1939, to the effect that he would have to drop out of Communist activities "for practical reasons".

PERL has been described by his professors at college and by his superiors and colleagues at his place of employment, as exceedingly brilliant and bordering on genius. He progressed rapidly at NACA from a junior electrical engineer to the position of aeronautical research scientist and a supervisor who led and directed efforts in research problems. His pursuits were for the most part in the field of theoretical aerodynamics and jet propulsion.

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It should be noted here that he took leave without pay from the NACA from 1946 to 1948 to study for his doctorate at Columbia University. During this period he also acted as technical assistant to Dr. THEODORE VON KARMAN, one of the leading aerodynamists in the world, who was Chairman of the Scientific Advisory Board, United States Air Force, Pentagon, Washington, D. C. and also Chief Scientific Advisor to the North Atlantic Treaty Organization with headquarters at Paris, France.

During his employment at NACA he had access to some of this country's top secret experimental and research data and during his association with Dr. VON KARMAN he had access to much classified data available to VON KARMAN because of the latter's high position.

VIVIAN GLASSMAN, who was known to be a friend of JULIUS and ETHEL ROSENBERG in New York City, has admitted that she received instructions from a stranger immediately after ROSENBERG's arrest to go to Cleveland to see an aeronautical engineer with instructions for him to flee to Mexico and \$2,000. cash to finance the trip. She has further admitted that she in fact went to Cleveland and contacted WILLIAM PERL as instructed but that he refused the money.

Concerning this incident, she stated that in view of their fear that PERL'S apartment might be under FBI surveillance, no oral conversation was entered into but rather her instructions were delivered to PERL in writing while in his apartment. During this written conversation the name JULIUS ROSENBERG was mentioned although both GLASSMAN and PERL have denied the reason why ROSENBERG'S name was mentioned under the above circumstances. In this regard, it is significant to note that ROSENBERG was arrested for espionage on July 17, 1950; on July 21, 1950 GLASSMAN received instructions in New York City to go to Cleveland as above; she traveled to Cleveland on the 22nd and the above visit occurred on July 23, 1950.

PERL, while admitting the above visit from GLASSMAN, professes that he does not know the reason why she came to him. PERL has stated that he became greatly perturbed at the time of her visit and in his anxiety destroyed the written notes of their conversation by flushing them down the toilet.

After the above information was obtained from VIVIAN GLASSMAN and PERL, both refused further interview concerning this incident.

Information concerning the above associations of PERL with other members in the ROSENBERG network became available in 1950 after the arrest of Dr. EMIL JULIUS KLAUS FUCHS in England, HARRY GOLD in Philadelphia and of DAVID GREENGLASS and JULIUS ROSENBERG in New York City, all of whom were charged with espionage in behalf of the Soviet Union. At this time sufficient data became available from several unrelated sources to indicate that PERL was acquainted with ROSENBERG, SOBELL and others. However, when subpoenaed before

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the Federal Grand Jury, Southern District of New York, he denied acquaintance with these individuals.

Prior to his testimony before the Grand Jury he had been interviewed by Special Agents of the FBI on several occasions both at Cleveland, Ohio, and New York City during which he was questioned concerning and shown photographs of the various individuals about whom he was later questioned in the Grand Jury proceedings. PERL denied these individuals during the original interview and during his Grand Jury appearances but during his third Grand Jury appearance he admitted some recollection of them. The apparent refreshing of his memory during his later appearance is not compatible with the fact that much detail of his suspected activity and acquaintance was discussed with him during prior interviews.

It may be further significant to note that during the trial PERL attempted to explain under oath on the witness stand that he thought the Grand Jury was asking him if he was "intimately acquainted" with the various individuals and that he was under a mental strain because of his employment. According to his state of mind at that time he said he believed his answers to be true. At one point during his testimony he was asked if he knew VIVIAN GLASSMAN, to which he replied that he did not know what the word "know" meant. Thereupon the presiding judge interrupted the questioning to ask PERL his concept of the word "know" and PERL replied he would have to look it up in the dictionary.

During his trial evidence was admitted in PERL'S own handwriting wherein SOBELL was referred to and in another instance he admitted the fact of VIVIAN GLASSMAN'S visit to him in Cleveland, above described.

Notwithstanding the above, PERL still stated that he attempted in every way to cooperate with the Government and not to obstruct its investigation in any way.

On May 22, 1953, the date the jury returned its verdict and PERL'S bail was cancelled, the presiding judge before remanding the prisoner invited him on the record to contact the judge before sentence date in the event PERL so desired. He then set sentence for June 5, 1953.

During the arguments by Government counsel opposing a defense motion for continuance of bail pending appeal, Assistant United States Attorney ROBERT MARTIN stated on the record that there was information available which directly linked PERL with the ROSENBERG-SOBELL espionage ring, but that the information could not be made public. The presiding judge thereupon requested this information be made available to him privately in chambers which was done. At the

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conclusion of this hearing, PERL'S attorney was quoted as follows: "If there is substance in what Mr. MARTIN says--and I know Mr. MARTIN doesn't speak lightly--I hope Mr. PERL will be moved to cooperate with the Government from now on".

At the time of sentence the presiding judge stated for the record that he could not accept the jury's recommendation of clemency and that PERL'S admitted explanation of the charges from the witness stand was "both stupid and clumsy and an affront to the intelligence of a normal man". The judge further stated that PERL'S motive for perjury was "not to conceal a mistaken philosophy of youth" gained by his Young Communist League associations in college but "to conceal the activities of his mature life".

PERL stood mute both on the date of verdict and sentence.

There are no known mitigating circumstances.

SAC, New York (65-14327)

September 11, 1953

RECORDED - 72 Director, FBI (65-59312)

WILLIAM BURL, JR.
100-111111 - 1
100-111111

Re Parole Report of SA Maurice W. Corcoran dated August 24, 1953, at New York, which has been submitted in the above-captioned case.

A review of this report reflects that you have failed to include in the subject's personal history and background his marital and parental status, and the fact that he had lived in common-law relationship with Hettie Savage for a number of years before he married her. This report also contains information which is classified. Your attention is specifically directed to paragraphs 4, 5, and 6 on page 4. For your information this report must be disseminated to the Bureau of Prisons which does not have personnel cleared to receive classified information. In view thereof, you are instructed to submit an amended report deleting therefrom all classified information. You are also requested to rewrite the second and third sentences in paragraph 5, page 5, which are conclusions based upon the classified information set forth on page 4 previously referred to.

This matter should be handled expeditiously so that the Bureau may make appropriate dissemination to the Bureau of Prisons.

COMM - FBI
SEP 11 1953
MAILED 26

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo

APL:cm

OCT 27 1953

65 SEP 23 1953

Handwritten notes and stamps including "2 copies", "11/13/53", and "URGENT".

65-59312-871

ROUTING SLIP

FD-4
(5-12-52)
19

10/16/53

Memo To: DIRECTOR, FBI

SAC _____ Title: WILLIAM PERL, wa.
 ASAC _____ KSP-R
 Supervisor _____ PERJURY
 Agent _____
 Steno _____
 Clerk _____
 Chief Clerk _____
 Special Employee _____ File No. NY 65-15387
 Bufile 65-59312

ACTION DESIRED

Assign to _____ Open Case
 Acknowledge _____ Prepare Tickler
 Bring File _____ Reassign to _____
 Call Me _____ Recharge serials _____
 See Me _____ Search and Return _____
 Correct _____ Send serials _____
 Delinquent _____ to _____
 Expedite _____ Submit new charge-out _____
 File _____ Submit report by _____
 Leads need attention _____ Type _____
 Read, Initial and _____ Return Serials _____
 Return _____

Undeveloped leads in your district awaiting attention.

Rebulet 9/11/53. Attached hereto are revised pages 3, 4, 5, 6 and 7 report of SA MAURICE W. CERCORAN, dated 8/24/53 at New York.

65-59312-871 encl.

Encs.-15

Comptroller

ESP REC
APR 1953

S.A.C. *JVB*
Office L. V. BOARDMAN
NEW YORK

(In intra office use return this with notation as to action taken or explanation.)

NY 65-15387

On May 18, 1953, trial of PERL in the above indictment commenced before Honorable SYLVESTER J. RYAN, United States District Judge, Southern District of New York and on May 22, 1953 the jury returned a verdict of guilty on Counts One and Three with a recommendation of clemency. PERL was acquitted on Counts Two and Four.

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During his employment at NACA he had access to some of this country's top secret experimental and research data and during his association with Dr. VON KARMAN he had access to much classified data available to VON KARMAN because of the latter's high position.

In connection with the above, it is significant to note that a confidential informant of unknown reliability furnished information concerning the principals and activities of the JULIUS ROSENBERG espionage network. This informant has advised that JULIUS ROSENBERG told him that WILLIAM PERL furnished his espionage network with valuable information for the Soviet Union. With reference to this aforementioned informant, it is noted that information furnished by him which was subject to verification or substantiation, has been found to be accurate.

Likewise, DAVID GREENGLASS, self-admitted Soviet espionage agent who was a Government witness at the trial of JULIUS ROSENBERG and MORTON SOBELL, has stated that JULIUS ROSENBERG told him that one of his contacts was a consultant on a dam in Egypt. GREENGLASS said ROSENBERG described this man as having been employed by the Government and took the job as a consultant while he was on leave.

Investigation by the New York Office from the records has revealed that the dam referred to was the Aswan Dam at Aswan, Egypt. The Chemical Construction Corporation, New York City had performed some research and consultant work on the hydro-electrification of this dam. Dr. THEODORE VON KARMAN was retained by the Chemical Construction Corporation as a consultant on some problems in connection with the dam and WILLIAM PERL assisted VON KARMAN in various calculations.

NY 65-15387

VIVIAN GLASSMAN, who was known to be a friend of JULIUS and ETHEL ROSENBERG in New York City, has admitted that she received instructions from a stranger immediately after ROSENBERG'S arrest to go to Cleveland to see an aeronautical engineer with instructions for him to flee to Mexico and \$2,000. cash to finance the trip. She has further admitted that she in fact went to Cleveland and contacted WILLIAM PERL as instructed but that he refused the money.

Concerning this incident, she stated that in view of their fear that PERL'S apartment might be under FBI surveillance, no oral conversation was entered into but rather her instructions were delivered to PERL in writing while in his apartment.

PERL has also admitted the above visit from GLASSMAN but professed that he does not know the reason why she came to him. PERL has stated that he became greatly perturbed at the time of her visit and in his anxiety destroyed the written notes of their conversation by flushing them down the toilet.

After the above information was obtained from VIVIAN GLASSMAN and PERL, both refused further interview concerning this incident.

Information concerning the above associations of PERL with other members in the ROSENBERG network became available in 1950 after the arrest of Dr. EMIL JULIUS KLAUS FUCHS in England, HARRY GOLD in Philadelphia and of DAVID GREENGLASS and JULIUS ROSENBERG in New York City, all of whom were charged with espionage in behalf of the Soviet Union. At the time sufficient data became available from several unrelated sources to indicate that PERL was not only acquainted with ROSENBERG, SOBELL and others but that he undoubtedly participated with them to some extent at least in the conspiracy. However, when subpoenaed before the Federal Grand Jury, Southern District of New York, he denied acquaintance with these individuals, much less knowledge of their espionage activities.

Prior to his testimony before the Grand Jury he had been interviewed by Special Agents of the FBI on several occasions both at Cleveland, Ohio and New York City during which he was questioned concerning and shown photographs of the various individuals about whom he was later questioned in the Grand Jury proceedings. PERL denied these individuals during the original interview and during his Grand Jury appearances but during his third Grand Jury appearance he admitted some recollection of them. The apparent refreshing of his memory during his later appearance is not compatible with the fact that much detail of his suspected activity and acquaintance was discussed with him during prior interviews.

It may be further significant to note that during the trial PERL attempted to explain under oath on the witness stand that he thought the Grand Jury was asking him if he was "intimately acquainted" with the various individuals and that he was under a mental strain because of his employment. According to his state of mind at that time he said he believed his answers to be true. At one point during his testimony he was asked if he knew VIVIAN GLASSMAN, to which he replied that he did not know what the word "know" meant. Thereupon the presiding judge interrupted the questioning to ask PERL his concept of the word "know" and PERL replied he would have to look it up in the dictionary.

During his trial evidence was admitted in PERL'S own handwriting wherein SOBELL was referred to and in another instance he admitted the fact of VIVIAN GLASSMAN'S visit to him in Cleveland, above described.

Notwithstanding the above, PERL still stated that he attempted in every way to cooperate with the Government and not to obstruct its investigation in any way.

At the time of sentence the presiding judge stated for the record that he could not accept the jury's recommendation of clemency and that PERL'S attempted explanation of the charges from the witness stand were "both stupid and clumsy and an affront to the intelligence of a normal man". The judge further stated that PERL'S motive for perjury was "not to conceal a mistaken philosophy of youth" gained by his Young Communist League associations in college but "to conceal the activities of his mature life".

There are no known mitigating circumstances.

Assistant Attorney General
Warren Olney III

September 11, 1953

Director, FBI

WILLIAM PHEL, wa.
ESPIONAGE - R
PERJURY
(FBI File 65-59312)

It will be recalled that the above-named subject was found guilty by a jury in the U. S. District Court, Southern District of New York, on two counts of a perjury indictment relating to denials of the subject concerning his acquaintance with Morton Sobell and Julius Rosenberg, and not guilty on two counts relating to denials of the subject concerning his acquaintance with Helene Elitcher and Michael and Ann Siderovich. The jury also recommended clemency in its findings. On June 5, 1953, the subject was sentenced to five years by U. S. District Judge Sylvester Ryan on each count to run concurrently.

In connection with the findings of the jury in this case, Chief Assistant U. S. Attorney Lloyd F. MacMahon of the Southern District of New York has confidentially advised that shortly after sentence in this case, he was visited in his office by two members of the jury. He identified these men as Freeman Lincoln, an editor on Fortune, Time and Life Incorporated in New York City, and George Parker Shutt of the Advertising Department of Fortune, Time and Life Incorporated. These men discussed their opinions of instant case and explained their verdict as follows:

COMM - FBI
SEP 11 1953

On the first ballot taken shortly after deliberations began, the vote was eleven to one for conviction on all counts. The one vote against conviction was cast by juror number eleven, one Herman Sommerfeld, who was identified on the jury list as a retired businessman. During the course of the deliberations, several additional ballots were taken and on each occasion Mr. Sommerfeld voted for acquittal on all four counts.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF
DATE 9/11/53

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Saxon
- Miss Gandy

APP: own

RECORDED-14

SECURITY INFORMATION - CONFIDENTIAL

DECLASSIFIED BY 21972
ON 5-11-79

58 SEP 21 1953

65-59312-872

According to Messrs. Lincoln and Shutt, it was apparent that Sommerfeld was attempting to cause a hung jury because he would not listen to the arguments of the other jurors and refused to propound any arguments to uphold his own position. After all efforts to convince Sommerfeld that his position was not right, attempts were then made by the other jurors to compromise the issues.

The first proposal was to return a guilty verdict on all counts with a recommendation for mercy. Sommerfeld would not agree. A proposal was then made to acquit subject on the Fletcher and Sidorovich counts and convict on the other two counts with a recommendation for mercy. Sommerfeld thereupon agreed.

The Bureau's files contain no identifiable, derogatory information on Herman Sommerfeld.

The foregoing is furnished for your confidential information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. ...

DATE: September 24, 1952

FROM : MR. W. A. BRANTNER

SUBJECT: WILLIAM PERL, with alias
ESPIONAGE - R
PERJURY

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Conroy _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Gins _____
- Miss Gandy _____

It will be recalled that the subject's attorney, Philip Wittenberg, contacted U. S. District Judge Sylvester J. Ryan on September 21 last. At that time, Wittenberg desired to know if Perl cooperated with the Government by supplying information, could anything be done in his favor. Judge Ryan told Wittenberg he believed that Perl had information of an espionage nature in which the Government was interested and, while he would not make any commitments, he advised Wittenberg to effect the cooperation of Perl if at all possible. At that time, Wittenberg indicated he would visit with Perl at the Terre Haute Penitentiary on either September 22 or 23, 1952.

The New York Office, in furnishing this information, instructed that the Indianapolis Office arrange, if at all feasible, to determine the substance of Perl's conversations with Wittenberg, through established sources or otherwise at the institution.

This morning (September 24), Mr. Frank Loveland, of the Bureau of Prisons, contacted Section Chief Baumgardner and informed that he had received a call from Acting Warden Madigan at the Terre Haute Penitentiary. Madigan stated that he had been contacted by a Special Agent of the Bureau who had requested that arrangements be perfected so that the Bureau could be advised of any conversation between Wittenberg and William Perl. Madigan informed that Wittenberg and Perl's wife were presently at the Penitentiary and were waiting to meet with Perl. Loveland stated he was calling to inquire if the Bureau wanted Perl's conversation monitored. Loveland was advised that if in the ordinary course of the prison procedure it was possible to determine the substance of Perl's conversation, then the Bureau wanted this information. It was pointed out to Mr. Loveland that under no circumstances did the Bureau desire the conversations monitored if there was going to be a protest that the Bureau was interfering with the attorney-client relationship. Mr. Loveland indicated he would so instruct the Terre Haute Penitentiary.

ACTION: This is for your information.

WAB:LL

RECORDED

65-59312-873

SEPTEMBER 20, 1950

SAC, INDIANAPOLIS

URGENT

RECORDED-44

EX. 10

WILLIAM PEARL, ESPIONAGE - R, PERJURY. RE IP TEL NINE TWENTY-FIVE LAST. [ON NINE TWENTY-FOUR, FRANK LOVELAND, ASSISTANT DIRECTOR, BUREAU OF PRISONS CONTACTED BUREAU AND ADVISED RECEIPT OF CALL FROM ACTING WARDEN MADISON OF TERRE HAUTE PENITENTIARY RE REQUEST OF YOUR OFFICE THAT ARRANGEMENTS BE PERFECTED SO THAT BUREAU COULD BE ADVISED OF ANY CONVERSATION BETWEEN MADISON AND SUBJECT. HE ADVISED LOVELAND IF AN ORDINARY CASE OF PRISON DISCIPLINE IN WHICH HE WOULD DETERMINE CIRCUMSTANCES OF PEARL'S CONVERSATION, HE WOULD PASS THIS INFORMATION. IT WAS POINTED OUT TO LOVELAND UNDER NO CIRCUMSTANCES DID BUREAU DESIRE CONVERSATIONS MONITORED IF THERE WAS TO BE PROTEST THAT BUREAU WAS INTERFERING WITH ATTORNEY-CLIENT PRIVILEGE. LOVELAND STATED HE WOULD BE ADVISED MADISON. IN VIEW OF THIS, NO NEED FOR BUREAU TO RECONTACT BUREAU OF PRISONS RE THIS MATTER. UNDER NO CIRCUMSTANCES SHOULD ANY AGENT OF YOUR OFFICE PARTICIPATE IN MONITORING SUBJECT'S CONVERSATION OR ATTORNEY. IF IT IS PROPER PROCEDURE FOR SUBJECT TO HAVE UNASSISTED VISIT WITH HIS ATTORNEY, BUREAU HAS NO OBJECTION TO THIS AND SUCH AS PRIMARY INTEREST OF BUREAU IS SAVING SUBJECT CONVICTION.

COPIES DESTROYED

R 28 NOV 22 1950
65-59312

NOV 20 1950

- Jolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Nease
- Miss Gandy

CC - 2-135 (FEDERAL BUREAU OF INVESTIGATION)
 APL:dlb (COMMUNICATIONS SECTION)

NOTE: Subject's attorney, Philip Wittenberg, contacted Federal Judge Ryan 9-21-50, and desired to know if Pearl cooperated with Government could anything be done in his favor. Ryan told Wittenberg he believed Pearl had information of espionage.

(note continued on page 2)

65-59312-874

NOTE: (continued from page 1)

nature in which Government interested and while he could make no commitments, he advised Wittenberg to secure Perl's cooperation if possible. At that time Wittenberg indicated he would visit Perl at Terre Haute Penitentiary. NYO instructed Indianapolis Office to arrange coverage of any conversations Perl had with his attorney if feasible.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

- 2 -

SEP 28 1954

TELETYPE

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SEP 25 1953

TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	
HH	

FBI, INDIANAPOLIS 9-25-53 6-32 PM CDST

DIRECTOR, FBI AND SAC, NEW YORK URGENT

WILLIAM PERL, ESPIONAGE - R, PERJURY. RE IF TEL DATED SEPT. TWENTYTHREE LAST. ASSOCIATE WARDEN J. P. MADIGAN ADVISED INSTANT DATE THAT WHITTENBERG AND SUBJECT-S WIFE APPEARED AT PENITENTIARY ON SEPTEMBER TWENTYFOUR LAST. MADIGAN STATED HE ADVISED WHITTENBERG OF PRISON VISITING RULES AND THAT IT WOULD BE NECESSARY TO OBTAIN APPROVAL FROM BUREAU OF PRISONS. MADIGAN STATED THAT HE IMMEDIATELY TELEPHONICALLY CONTACTED ASST. DIR. LOVELAND, BUREAU OF PRISONS WHO AUTHORIZED THIRTY MINUTE VISIT UNDER SUPERVISION OF CORRECTIONAL OFFICER. MADIGAN STATED CORRECTIONAL OFFICER WAS INSTRUCTED TO FOLLOW CONVERSATION CLOSELY AND THAT CORRECTIONAL OFFICER HAD STATED DISCUSSION CENTERED ON APPEAL EFFORTS, POSSIBLE CHANGE OF VENUE AND THAT QUOTE A FRIEND OF FORTY YEARS WOULD BE OF UNESTIMATABLE VALUE UNQUOTE. NO NAMES MENTIONED DURING VISIT. MADIGAN STATED THAT WHITTENBERG INQUIRED AS TO PROCEDURE THAT HE FOLLOW IN ORDER TO OBTAIN A FUTURE UNSUPERVISED VISIT. MADIGAN STATES THAT HE DOES NOT HAVE AUTHORITY TO ALLOW VISIT TO BE COVERED EXCEPT WITH CORRECTIONAL OFFICER. THEREFORE, HE REQUESTED THAT DIRECTOR OF BUREAU OF PRISONS BE CONTACTED FOR AUTHORITY TO COVER FUTURE VISITS. BUREAU REQUESTED TO CONSIDER FEASIBILITY OF CONTACTING BUREAU OF PRISONS RE THIS MATTER.

COPIES DESTROYED
R 28 NOV 22 1960
END AND ACK IN ORDER PLS

RECORDED-48

105-59312-814
OCT 1 1953
BLAYLOCK

EX-122

WA 737PM OK FBI WASH DC CCW

TELETYPE

SEP 23 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

WASHINGTON FROM NEW YORK 19

DIRECTOR

23

9-07P

...U R G E N T... *E. R. B.*

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WILLIAM PERL, WA. ESP.-R, PERJURY. RE INDIANAPOLIS TELETYPE SEPTEMBER TWENTY THREE ADVISING ACTING WARDEN MADIGAN, USP, TERRE HAUTE, WILL NOT ALLOW ATTORNEY, WITTENBERG, VISIT PERL. FOR INFO INDIANAPOLIS WITTENBERG IS ATTORNEY OF RECORD FOR PERL IN SDNY. INASMUCH AS INFORMATION SET FORTH IN NY TEL SEPTEMBER TWENTY TWO LAST CONCERNING WITTENBERG-S CONTACT WITH JUDGE RYAN AND PROPOSED VISIT WITH PERL WAS OBTAINED IN STRICTEST CONFIDENCE IT IS NOT KNOWN IF WITTENBERG COGNIZANT OF PRISON REGULATIONS RE VISITS OR THAT HE WILL BE REFUSED ADMITTANCE WITHOUT PRISON APPROVAL. FOR SAME REASON IT IS NOT POSSIBLE FOR NYO TO ADVISE WITTENBERT OF PRISON REGULATIONS, HOWEVER, IF WITTENBERG SHOULD BE SUCCESSFUL IN OBTAINING PERL-S COOPERATION IT WOULD BE DEFINITELY IN INTEREST OF BUREAU. INDIANAPOLIS REQUESTED TO CONSIDER ADVISABILITY OF RECONTACTING WARDEN MADIGAN TO IMPRESS ON HIM BUREAU-S INTEREST IN THIS VISIT AND TO CONSIDER SUGGESTING RELAXATION OF VISIT REGULATIONS IN THIS INSTANCE. IN ANY EVENT ADVISE MADIGAN HE SHOULD NOT INDICATE TO WITTENBERG THAT HE HAD ANY PREVIOUS KNOWLEDGE OF PROPOSED VISIT AS OBTAINED FROM INDIANAPOLIS OFFICE.

INDIANAPOLIS SUTEL. RECORDED - 22

65-59312-875

BOARDMAN

INDIANAPOLIS ADVISED

63 OCT 5 1953

ND
Y 19 WA NRB

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

SEP 23 1953

TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

RF
BT
Librent
K81

FBI INDIANAPOLIS 9-23-53 11-50 AM CDST

DIRECTOR, FBI AND SAC, NEW YORK URGENT

WILLIAM PERL, WA. ESPIONAGE - R, PERJURY. [ACTING WARDEN A. PAUL
 MADIGAN, USP, TERRE HAUTE, INDIANA, ADVISED ATTORNEY PHILIP WITTENBERG
 IS NOT OFFICIALLY APPROVED FOR VISITING SUBJECT. THEREFORE WITTENBERG IS
 REQUIRED TO COMMUNICATE WITH WARDEN FOR PERMISSION AND SUBSEQUENT
 SCHEDULING OF VISITS CONSISTENT WITH PENITENTIARY VISITING REG-
 ULATIONS. MADIGAN STATES THAT WITTENBERG HAS MADE NO ATTEMPT TO VISIT
 SUBJECT TO DATE. HE STATES THAT SHOULD WITTENBERG APPEAR AT PENITEN-
 TIARY WITHOUT HAVING BEEN PREVIOUSLY APPROVED AND SCHEDULED FOR VISIT,
 MADIGAN WILL NOT ALLOW VISIT. MADIGAN ADVISED HE WILL NOTIFY IP OFFICE,
 IMMEDIATELY WHEN ANY SUCH VISIT IS SCHEDULED.]

BLAYLOCK

CORREDCORRECT LINE 5 WORDS SHLD RD "REGULATIONS"

65-59312-876

END

RECORDED - 26

12-55 PM OK FBI WA PH

OK FBI NYC RN

DISCMVV

Madigan

SEP 23 1953

Mr. Belmont

TELETYPE

SEP 23 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Handwritten initials and checkmark

Handwritten signature/initials

FBI, INDIANAPOLIS

9-23-53

10-05 PM CDST

HH

DIRECTOR, FBI AND SAC, NEW YORK CITY URGENT

WILLIAM PERL, WA. ESP-R, PERJURY. RE NYC TEL INSTANT DATE. [ASSOCIATE
WARDEN J. PAUL MADIGAN RECONTACTED INSTANT DATE. HE STATES IF WITTEN-
BERG APPEARS AT USF, TERRE HAUTE, FOR VISIT, MADIGAN WILL IMMEDIATELY
CONTACT DIRECTOR OF BUREAU OF PRISONS BY TELETYPE FOR APPROVAL OF
VISIT. MADIGAN STATES THAT DURING INTERIM. WHILE AWAITING APPROVAL
INDPLS OFFICE CAN BE ADVISED OF PENDING VISIT AND ARRANGEMENTS TO COVER
VISIT CAN BE EFFECTED. MADIGAN STATES HIS PRIOR KNOWLEDGE OF PROPOSED
VISIT WILL BE HELD IN STRICTEST CONFIDENCE.]

BLAYLOCK

END AND ACK IN ORDER PLS

RECORDED - 28

65-59312-877

WA ,41109 PM OK FBI WA ELR

OK FBI NYC TM

Handwritten signature/initials

63 OCT 5 1953

Small stamp or text at bottom right

TELETYPE

SEP 22 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Handwritten notes and stamps:
 Mr. Tolson
 Mr. Boardman
 Mr. Belmont
 Mr. Ladd
 Mr. Nichols
 Mr. Rosen
 Mr. Tracy
 Mr. Harbo
 Mr. Mohr
 Mr. Winterrowd
 Miss Gandy
 Mr. Holloman
 Miss Gandy
Handwritten initials: *W. J. Ryan*
Handwritten signature: *Belmont*

WASHINGTON FROM NEW YORK 7

22

8-470

DIRECTOR

....U R G E N T....

WILLIAM PERL, WA. ESPIONAGE - R, PERJURY. INFORMATION OBTAINED
 CONFIDENTIALLY THIS DATE THAT ON SEPTEMBER TWENTY ONE LAST DEFENSE
 ATTORNEY PHILIP WITTENBERG CONTACTED USDJ SYLVESTER J. RYAN, SDNY
 IN CHAMBERS. HE STATED HE HAD MADE COMPLETE REVIEW OF TRIAL RECORD
 IN PREPARATION FOR APPEAL AND FEELS AVAILABLE APPEAL POINTS HAVE
 LITTLE OR NO MERIT. FURTHER STATED HE HAS RECENTLY SPOKEN TO SUBJECT-S
 WIFE, HENRIETTA, AND IT WAS AGREED BETWEEN THEM MORE EQUITABLE TO
 SAVE APPEAL FEES TO BE APPLIED TO LIVING EXPENSES OF WIFE AND CHILD.
 WITTENBERG DESIRED TO KNOW IF APPEAL WITHDRAWN AND PERL COOPERATED
 WITH THE GOVERNMENT BY SUPPLYING INFORMATION IF ANYTHING COULD BE
 DONE IN FAVOR OF PERL. JUDGE RYAN TOLD WITTENBERG HE BELIEVED
 PERL HAD INFORMATION OF ESPIONAGE NATURE IN WHICH GOVERNMENT VITALLY
 INTERESTED AND WHILE HE COULD NOT MAKE ANY COMMITMENTS AT THIS POINT HE
 ADVISED WITTENBERG TO PROCEED TO EFFECT COOPERATION OF PERL IF AT
 ALL POSSIBLE. WITTENBERG STATED HE INTENDED TO VISIT
 PERL AT TERRE HAUTE PENETENTIARY EITHER SEPTEMBER TWENTY TWO OR
 SEPTEMBER TWENTY THREE AND ATTEMPT TO ARRANGE FOR HIS COOPERATION
 WITH THE GOVERNMENT. HE SAID HE WOULD RE CONTACT JUDGE RYAN UPON
 RETURN TO NYC. INDIANAPOLIS, AT TERRE HAUTE, REQUESTED TO CONFIRM
 END PAGE ONE

RECORDED-65

EX-127

COPIES DESTROYED
R 98 NOV 22 1960

Mr. Belmont

65-59312-878

PAGE TWO

WITTENBERG-S VISIT WITH WILLIAM PERL, TERRE HAUTE NUMBER ONE ZERO THREE TWO FIVE AND, UACB, IF AT ALL FEASIBLE DETERMINE SUBSTANCE THEIR CONVERSATIONS THROUGH ESTABLISHED SOURCES OR OTHERWISE AT INSTITUTION. FOR INFO INDIANAPOLIS, PERL SUSPECTED MEMBER OF ROSENBERG ESPIONAGE NETWORK WHO WAS CONVICTED AND SENTENCED FOR FIVE YEARS FOR DENIAL BEFORE FGJ, SDNY OF ACQUAINTANCE WITH JULIUS ROSENBERG AND MORTON SOBELL. INDIANAPOLIS SUTEL NYO AND BUREAU. EXPEDITE.

BOARDMAN

INDIANAPOLIS ADVISED

HOLD

cc - Mr. Belmont

Assistant Attorney General
Warren Cliney III

September 28, 1953

Director, FBI

WILLIAM PERL, with alias
ESPIONAGE - R
PERJURY

RECORDED-5

Information has been confidentially received that on September 21, 1953, Philip Kittenberg, attorney for Perl, contacted United States District Judge Sylvester J. Ryan of the Southern District of New York. It will be recalled that Judge Ryan sentenced Perl to five years imprisonment on June 5, 1953, after his conviction by a jury for perjury. Mr. Kittenberg advised Judge Ryan that he has made a complete review of the trial record and feels that an appeal in this case has little or no merit. Mr. Kittenberg further advised that he recently spoke to Perl's wife and it was agreed between them that it would be more equitable to save the money which would be necessary for an appeal so that it could be applied to living expenses for Mrs. Perl and her child. Mr. Kittenberg desired to know from Judge Ryan that if the appeal were withdrawn and Perl cooperated with the Government by supplying information whether anything could be done in favor of Perl. Judge Ryan advised Mr. Kittenberg that he believed Perl had information of an espionage nature in which the Government would be vitally interested and while he could not make any commitments at this point, he advised Kittenberg to proceed in an effort to effect the cooperation of Perl if at all possible. Mr. Kittenberg stated he intended to visit Perl and that he would recontact Perl at Terre Haute Penitentiary, Indiana, where Perl is confined and that he would recontact Judge Ryan upon his return to New York City.

You will be kept advised of any additional developments in this matter.

65-59312

DECLASSIFIED BY 4913
ON 02-02-11

AFL:blb

- AND FIELD OFFICES ADVISED BY ROUTING SLIP (S) OF DATE
- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Geany
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo
- Miss Gandy

SEP 30 1953

SECURITY INFORMATION - CONFIDENTIAL

63 OCT 9 1953

MAILED 2
SEP 30 1953
COMM-FBI

65-59312-878

TO : Director, FBI

DATE: October 8, 1953

FROM : SAC, Indianapolis (65-2212)

SUBJECT: WILLIAM PERL
ESPIONAGE - R
PERJURY

ReButel dated 9/28/53.

In accordance with referenced teletype, no further effort will be made by this office to cover future visits of WITTENBERG with the subject.

Warden J. PAUL MADIGAN of the U. S. Penitentiary at Terre Haute, Indiana has been advised that if it is feasible, in the ordinary course of prison visiting procedure, to obtain the substance of the subject's conversation, the Bureau would desire this information. He has also been instructed, however, that an unsupervised visit with the subject is satisfactory, since the Bureau is desirous of obtaining the subject's cooperation.

It should be noted that the coverage of WITTENBERG's recent visit at the penitentiary was solely on the authority of Warden MADIGAN and there was no interference with the attorney-client relationship in this case.

Inasmuch as no further investigation is anticipated at this time, and until such time as information is received from Warden MADIGAN regarding additional visits, this case is being considered RUC.

CWH/mrg
REGISTERED MAIL
cc- New York - 1 (REGISTERED MAIL)

RECORDED 2: 65-59312-879

File
MOC

52 OCT 13 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)
FROM : SAC, NEW YORK (65-15387)

DATE: 10/14/53

SUBJECT: WILLIAM PERL, Wa;
ESP-R
PERJURY

Conf U.S.
1. 5. 5. safe

ReNYlet 6/8/53, which enclosed Form FD-122 dated 6/8/53, reflecting captioned subject was being placed in the Security Index "Unavailable Section - Imprisoned" inasmuch as he was then detained in the Federal House of Detention, New York City. ReNYlet further advised subject had been sentenced on 6/5/53 to five years in custody of the Attorney General on each of two counts of perjury, sentence to run concurrently.

Attached is a revised Form FD-122 dated 10/14/53, which reflects subject is now incarcerated at the U.S. Penitentiary, Terre Haute, Indiana, to which he has been transferred to continue serving the above five-year sentence.

The Indianapolis Office is requested to make arrangements with the U.S. Penitentiary, Terre Haute, to be advised when subject is released or if he should be transferred to another institution in accordance with instructions contained on Page 6 of SAC Letter 53-30 dated 5/1/53.

Indianapolis is further requested that upon receipt of notice of subject's release from imprisonment, the Bureau and the New York Office be advised so that consideration may be given to further action in connection with the Security Index.

Enc-1

1 - Indianapolis

MWC:DM

[Handwritten initials]

65-59312-880

RECORDED - 7

ENC

NOV 2 1953
FBI - NEW YORK

NOV 6 1953

127

Office Memorandum • UNITED STATES GOVERNMENT

HVS
TO : Director, FBI (65-59312)
FROM : SAC, New York (65-15387)
SUBJECT: WILLIAM PERL, wa
 ESP-R
 Perjury

DATE: 10/14/53

*Card U.T.D.
 U.S.S. [unclear]*

[Handwritten signature]

It is recommended that a Security Index Card be prepared on the above-captioned individual.

The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) *PP OK* _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

NATURE OF INDUSTRY OR BUSINESS (Specify from Vital Facility List)

RESIDENCE ADDRESS U. S. Penitentiary, Terre Haute, Ind.

MVC:EMM

65-59312-880
ENCLOSURE

A. E. Leonard

[Handwritten initials]

Mr. Tolson	
Mr. Boardman	
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Mr. Holloman	
Mr. Gandy	

AIR-TEL

FBI WASH FIELD (65-5543)

10-12-53

DEFERRED

DIRECTOR (65-59312) AND SAC NEW YORK (65-15387) — REGISTERED MAIL

WILLIAM PERL, WA., ESP. R. AND PERJURY. NY OO. REWFOLET MAY

FOURTEEN LAST TRANSMITTING TO NY CERTAIN ORIGINAL NACA MATERIAL

CONCERNING SUBJECT OBTAINED FROM MR. CHESTER HOLT, ROOM TWO ONE

TWO TEMPORARY D BUILDING WASH., D. C. DESCRIPTION OF MATERIAL

PAGE ONE RELET. NY REQUESTED TO EXPEDITE RETURN OF SAME TO WFO

IN ORDER THAT MATERIAL MAY BE RETURNED TO CSC WHICH HAS REQUESTED

SAME.

LAUGHLIN *llp*

HWB/mand

AIR-TEL

RECORDED - 104

65-59312-881

OCT 13 5 22 PM '53

OCT 18 1953

58 OCT 27 1953

Mr. Tolson

RA
AIR TEL

NEW YORK, N.Y.
OCT. 19, 1953

BUREAU

WILLIAM PERL, WA
ESP-R; PERJURY

SEMONTTEL, ESP-R

RE RECENT INSTRUCTIONS ISSUED BY BUREAU IN CONNECTION WITH THE SEMONTTEL PROJECT AS A RESULT OF WHICH THE BUREAU AND NEWARK HAVE SUBMITTED IN MEMO FORM ALL DEROGATORY INFO IN THEIR VARIOUS FILES, INCLUDING DEROGATORY INFO IN CIC FILES, CONCERNING CAPTIONED SUBJECT, WILLIAM PERL. IN ACCORDANCE WITH BYLET DATED OCT. 1, 1953 CAPTIONED "SEMONTTEL", APPROVED BY BUAIRTEL DATED OCT. 14, 1953, DIRECTED TO NEWARK, COPY TO NY, NO BLIND MEMO WAS SUBMITTED BY NYO. A REVIEW OF THE INFO SET FORTH IN ABOVE MEMO REVEALS THAT EACH ITEM CONCERNING SUBJECT WILLIAM PERL, AS WELL AS EACH ITEM CONCERNING HIS VARIOUS ASSOCIATES LISTED IN THE MEMO, HAS BEEN REPORTED PREVIOUSLY IN SUBJECT'S CASE FILE, BUFILE 65-59312, NEWARK FILE 65-4100, NY FILE 65-15387. THIS CASE IS PENDING, NY OFFICE OF ORIGIN. IN VIEW OF SENSITIVE NATURE OF THIS INVESTIGATION AS RELATED TO THE ROSENBERG ESPIONAGE NETWORK, NO LOCAL DISSEMINATION HAS BEEN MADE OF THESE REPORTS AT NY. IT IS PRESUMED APPROPRIATE DISSEMINATION OF THIS INFO HAS BEEN MADE BY THE BUREAU. IT IS NOTED THAT AS RESULT OF ABOVE INVESTIGATION PERL WAS CONVICTED OF PERJURY AND SENTENCED ON JUNE 5, 1953 IN SDNY TO FIVE YEARS IMPRISONMENT. HE IS CURRENTLY INCARCERATED IN U.S. PENITENTIARY, TERRE HAUTE, INDIANA. HIS APPEAL IS PENDING IN CIRCUIT COURT OF APPEALS, 2ND CIRCUIT, NEW YORK CITY. IN VIEW OF ABOVE NYO ANTICIPATES NO FURTHER ACTION RE WILLIAM PERL IN CONNECTION WITH SEMONTTEL PROJECT

UACB.

5-Bureau (3-65-59312; 2-65-61685) BOARDMAN
3-Newark (1-65-4100; 1-116-11875; 1-100-34455-764)

65-59312
NOT RECORDED
128 OCT 28 1953

56 OCT 20 1953

1-NY 65-15387
1-NY 65-16382 MWC:IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, New York (Your file 65-15387) DATE: October 12, 1953

FROM : Director, FBI Bufile 65-59312 (871) Office of Origin: New York

SUBJECT: William Ferl, wa.
Espionage -R ; Perjury

() The deadline in this case has passed and the Bureau has not received a report. You are instructed to immediately submit a report. In the event a report has been submitted, you should make a notation of the date on which it was submitted on this letter and return it to the Bureau.

Report submitted _____

Report will be submitted _____

Reason for delay _____

no letter to Bureau re: info

- () Advise Bureau re status of this case.
- (X) Advise Bureau when report may be expected.
- () Surep immediately.

ENCLOSURE

(Place your reply on this form and return to the Bureau. Note on the top serial in the case file the receipt and acknowledgment of this communication.)

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 13 1953	
NEW YORK	

65-59312-882

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: 10/19/53

LVB FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM FERL, wa
ESP-R
PERJURY

Re O-1 form dated 10/12/53 which is attached.

AUSA James B. Kilsheimer, SDNY, advised that Attorney Like, an associate of Defense Attorney Philip Wittenberg, recently made request for extension of time for filing appeal briefs, originally scheduled for 10/15/53 until 11/2/53. Mr. Kilsheimer stated that since FERL is in custody serving his sentence at this time, the request was granted. On this basis, Government's reply brief will be due for filing on 12/1/53.

In view of the above and since subject is now incarcerated, no report will be submitted at this time. However, the appeal proceedings pending in the Circuit Court of Appeals, 2nd Circuit, will be closely followed and the Bureau will be promptly advised of pertinent developments.

Enc-1

MWC:DM

RECORDED-36

65-59312-882

10/20/53
103

OCT 21 1953

REC-112

SAC, New York (65-15377)

October 23, 1953

RECORDED-39 Director, FBI (65-59312)

WILLIAM PERL, dc.
ESPIONAGE - R
PERJURY

Reurlet dated October 19, 1953, advising no report is being submitted in this case at this time.

It will be recalled that subject's attorney had advised Federal Judge Ryan that he was attempting to convince Perl to cooperate with the Government. You are requested to advise if there are any further developments concerning the attorney's efforts to have Perl cooperate. You are also requested to thoroughly review this case for additional investigative leads in an effort to develop evidence of subject's espionage activities. This review should be completed and a report submitted by November 27, 1953.

APL:ans

65-59312-882

RECEIVED
OCT 28 7 14 AM '53

ALB
CG

WABY

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gandy _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Miss Gandy _____

MAILED 8
OCT 29 1953
NOV 3 1953

NOV 3

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

AB
CO

AIR TEL

NEW YORK, N.Y.
OCT. 19, 1953

Transmit the following Teletype message to:

BUREAU

WILLIAM PERL, WA
ESP-R; PERJURY

SEMONTTEL, ESP-R

RE RECENT INSTRUCTIONS ISSUED BY BUREAU IN CONNECTION WITH THE SEMONTTEL PROJECT AS A RESULT OF WHICH THE BUREAU AND NEWARK HAVE SUBMITTED IN MEMO FORM ALL DEROGATORY INFO IN THEIR VARIOUS FILES, INCLUDING DEROGATORY INFO IN CIC FILES, CONCERNING CAPTIONED SUBJECT, WILLIAM PERL. IN ACCORDANCE WITH NYLET DATED OCT. 1, 1953 CAPTIONED "SEMONTTEL", APPROVED BY BUAIRTEL DATED OCT. 14, 1953, DIRECTED TO NEWARK, COPY TO NY, NO BLIND MEMO WAS SUBMITTED BY NYO. A REVIEW OF THE INFO SET FORTH IN ABOVE MEMO REVEALS THAT EACH ITEM CONCERNING SUBJECT WILLIAM PERL, AS WELL AS EACH ITEM CONCERNING HIS VARIOUS ASSOCIATES LISTED IN THE MEMO, HAS BEEN REPORTED PREVIOUSLY IN SUBJECT'S CASE FILE, BUFILE 65-59312, NEWARK FILE 65-4100, NY FILE 65-15387. THIS CASE IS PENDING, NY OFFICE OF ORIGIN. IN VIEW OF SENSITIVE NATURE OF THIS INVESTIGATION AS RELATED TO THE ROSENBERG ESPIONAGE NETWORK, NO LOCAL DISSEMINATION HAS BEEN MADE OF THESE REPORTS AT NY. IT IS PRESUMED APPROPRIATE DISSEMINATION OF THIS INFO HAS BEEN MADE BY THE BUREAU.

IT IS NOTED THAT AS RESULT OF ABOVE INVESTIGATION PERL WAS CONVICTED OF PERJURY AND SENTENCED ON JUNE 5, 1953 IN SDNY TO FIVE YEARS IMPRISONMENT. HE IS CURRENTLY INCARCERATED IN U.S. PENITENTIARY, TERRE HAUTE, INDIANA. HIS APPEAL IS PENDING IN CIRCUIT COURT OF APPEALS, 2ND CIRCUIT, NEW YORK CITY. IN VIEW OF ABOVE NYO ANTICIPATES NO FURTHER ACTION RE WILLIAM PERL IN CONNECTION WITH SEMONTTEL PROJECT

UNRECORDED COPY FILED IN 65-11685-1

UACB.

RECORDED - 104

65-59312-883

5-Bureau (2-65-59312; 2-65-61685) BOARDMAN

3-Newark (1-65-4100; 1-116-11875; 1-100-31455-764)

Approved:

Sent _____ M Per _____

Special Agent in Charge

1-NY 65-15387

1-NY 65-16382

ENC: III

COPIES DESTROYED
3 28 NOV 22 1960

TELETYPE

OCT 22 1953

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Boardman	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Ladd	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tracy	<input checked="" type="checkbox"/>
Mr. Harbo	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Winterrowd	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Mr. Holloman	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

WASH 4 FROM NEW YORK

22

614 P

DIRECTOR U R G E N T

WILLIAM PERL, WA., ESPIONAGE - R., SEMONTEL., ESPIONAGE - R. FOR INFO OF BUREAU AND NEWARK, OCROBER TWENTY FIRST, NINETEEN FIFTYTHREE ISSUE OF "NY WORLD TELEGRAM AND SUN" CONTAINED ARTICLE DATED LOCALLY, ENTITLED, "RADAR SPY PROBE TO SUMMON PERL, ROSENGERGS - PAL - MONMOUTH QUIZ DUE HEPE FRIDAY." ARTICLE INDICATES PERL WILL BE CALLED AS A WITNESS IN SENATOR JOSEPH R. MC CARTHY PROBE OF SECURITY LEAKS AT FORT MONMOUTH, NJ. "INFORMED SOURCE SAID PERL HAS A "DIRECT CONNECTION" WITH THE FORT MONMOUTH CASE, INVOLVING THEFTS OF TOP SECRET RADAR INFORMATION FROM ARMY SIGNAL CORPS LABORATORIES. PERL ALSO MAY BE QUESTIONED ON POSSIBLE LEAKS OF US AIR CRAFT INFORMATION WHICH ENABLED RUSSIA TO DEVELOP THE POWERFUL MIG DASH FIFTEEN JET FIGHTER PLANE." NYO WILL FORWARD ADDITIONAL INFO AS RECEIVED. NEWARK ADVISED.

BOARDMAN

NEWARK ADVISED BY MAIL

END ACK PLS

WA NY R 4 WA JG

RECORDED-52

TU DSC PLS

65-59312-884

OCT 22 1953

56 NOV 1953

UNRECORDED COPY FILED IN

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

ADTEL

NEW YORK
OCTOBER 28, 1953

Transmit the following Teletype message to:

BUREAU

BRANNAN

WILLIAM PERL, ESP-R. BUFILE 65-59312. ON OCT. 28, 1953, AUSA KILSHEDER, SDNY, ADVISED THAT HE HAD MADE A FURTHER AGREEMENT WITH IRVING LIKE, ASSOCIATE OF DEFENSE ATTORNEY PHILIP WITENBERG, TO EXTEND THE TIME FOR FILING PERL'S APPEAL PAPERS FROM NOV. 2ND TO NOV. 16, 1953. ON THE BASIS THEREOF, GOVERNMENT'S REPLY BRIEF IS DUE FOR FILING DEC. 15, 1953.

BOARDMAN

Handwritten signature/initials

Bureau

65-15387

LMC:BI

Mr. Belmont

RECORDED - 85

65-59312-885

25 OCT 29 1953

Handwritten mark

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Handwritten notes and signatures at bottom left

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

FROM : SAC, Indianapolis (65-2212)

SUBJECT: WILLIAM PERL, wa.;
ESP-R
PERJURY

DATE: November 10, 1953

Re New York letter dated 10-14-53.

In accordance with the request made in referenced letter, arrangements have been made with Acting Warden J. PAUL MADIGAN at the United States Penitentiary, Terre Haute, Indiana, so that the Indianapolis Division will be advised immediately if the subject is transferred to another institution or if he is released.

When notification of any action is received by the Indianapolis Division, the Bureau and the New York Office will be advised so that consideration may be given to further action in connection with the Security Index.

Until such information is received, this case is being considered RUC'd.

CWH/mec

cc: 1 - New York (65-15387)

RECORDED-34

EX-125

NOV 12 1953

38

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one

63 NOV 18 1953

65-59312-886

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

FROM : SAC, New York (65-15387)

SUBJECT: WILLIAM PERL, wa.
ESP-R
PERJURY

DATE: 11/19/53

ReNYtel 11/17/53 concerning appeal brief submitted by PHILIP WITTENBERG and IRVING LIKE, attorneys for PERL in instant case.

Enclosed herewith is photostatic copy of above brief.

Bulet 10/28/53 inquired if there have been any further developments in the efforts of PERL's attorney to obtain PERL's cooperation. It is recalled, as set forth in NY teletype, 5/27/53, Judge SYLVESTER RYAN was visited in Chambers by subject's wife on 5/27/53, at which time she stated subject desired to speak with the judge prior to sentence. A discreet surveillance of HENRIETTA PERL upon leaving Judge RYAN's Chambers revealed she went directly to the office of attorney PHILIP WITTENBERG. At 5:30 p.m. that date Mr. WITTENBERG telephoned Chief AUSA LLOYD F. MacMAHON to advise he had a long conference with Mrs. PERL and while he "had no time for espionage cases", he offered, if agreeable to MacMAHON, to take an interest in the case for the sole purpose of inducing PERL to cooperate.

Thereafter, it is known that WITTENBERG and Mrs. PERL visited subject at the Federal Detention Headquarters, NYC, on various occasions prior to subject's transfer to Terre Haute on 7/15/53.

On 6/3/53, PERL directed a letter to Judge RYAN, copy of which was made available to this office on a confidential basis, which requested a moderate sentence, but contained no expression of guilt or innocence and no offer of cooperation with the government, either expressed or implied.

On 6/4/53, the day prior to sentence, WITTENBERG advised AUSA MacMAHON that he had talked to PERL for several hours, that PERL had maintained his innocence, and that he had received no satisfaction from PERL.

On 6/5/53, subject was sentenced to five years, and appeal proceedings were thereafter initiated. No further action to effect PERL's cooperation is known to have been taken until 9/21/53, at which time Mr. WITTENBERG visited Judge RYAN in Chambers, as set forth in New York teletype dated 9/22/53. At that time, WITTENBERG told Judge RYAN he had made a complete review of the trial record in preparation for appeal and felt the appeal had little merit. He also said that he and Mrs. PERL had agreed it would be more equitable to save appeal expenses, and asked Judge RYAN if the appeal was withdrawn and PERL cooperated

1 - Indianapolis (Info.)

Enc.-1

MWC:EC NOV 20 1953

RECORDED - 65-59312-887

NOV 20 1953

ESP/R

Letter to Director
NY 65-15387

with the government by supplying information could anything be done in favor of PERL. Judge RYAN, of course, made no commitments at this time but advised WITTENBERG to proceed to effect PERL's cooperation if at all possible. WITTENBERG told Judge RYAN that he intended to visit PERL at Terre Haute and would recontact the judge upon his return to New York.

As the Bureau is aware, WITTENBERG and Mrs. PERL did in fact visit subject at Terre Haute on 9/24/53, but according to information set forth in Indianapolis teletype dated 9/25/53, no mention was apparently made of PERL's possible cooperation. It is noted, parenthetically, that according to the correctional officer who supervised the visit, the following quote was overheard, "A friend of forty years would be of unestimatable value". This undoubtedly refers to Judge RYAN in NYC who was a boyhood friend of WITTENBERG in the Bronx. However, it has been ascertained recently in a discreet manner that WITTENBERG has not recontacted Judge RYAN since his September 24 visit with subject as he had previously told Judge RYAN he would do.

The only additional contacts by the defense with Government officials have been those contacts of Mr. IRVING LIKE, associate of WITTENBERG, with AUSA JAMES B. KILSHEIMER in connection with extensions of time for filing appellant's brief. No mention was made by LIKE of any efforts on his or WITTENBERG's part to secure subject's cooperation. While there are no indications at the present time that any efforts toward cooperation are being made, particularly in view of the filing of the above appeal brief, this matter is being closely followed and any possibilities will be fully explored. The Indianapolis Office has made arrangements to be advised of further visits by WITTENBERG to PERL.

In the above connection, attention is called to the announcement by Senator JOSEPH R. McCARTHY in the 10/21/53 issue of the "New York World Telegram and Sun" to the effect PERL was to be called before the McCarthy Committee during its investigation of Fort Monmouth. PERL has not been called before this committee. Recent press releases indicate McCARTHY intends to resume the Fort Monmouth inquiries toward the end of November and in the event PERL is again mentioned the Bureau will be advised.

For the information of the Bureau, the February 1953 Grand Jury which heard testimony concerning PERL and the ROSENBERG ring was discharged on 6/25/53.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: November 5, 1953

TOP SECRET

FROM : MR. W. K. BRANTLEY

SUBJECT: WILLIAM PERL, was.
ESPIONAGE - R
PERJURY
(Bufile 65-59312)

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Mohr _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gearty _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Sizoo _____
- Miss Gandy _____

William Perl, an aeronautical engineer, former employee of the National Advisory Committee for Aeronautics (N.A.C.A.), [redacted] b1

[redacted] was arrested March 17, 1951, on charges of perjury arising out of false statements made to a Federal grand jury, Southern District of New York, September 11, 1950, in denying that he knew Morton Sobell, Julius Rosenberg, Helene and Max Elitcher, and Ann and Michael Sidrovich. On May 22, 1953, he was convicted on two counts of perjury covering his denial of knowing Sobell and Rosenberg. On June 5, 1953, he was sentenced to five years on each count to run concurrently and is now serving his term at the Federal Penitentiary at Terre Haute, Indiana. [redacted]

An extensive investigation was conducted of Perl's activities prior to his arrest. [redacted] b1

[redacted] During this time Perl was interviewed on several occasions and on July 23, 1950, admitted that he had been visited in Cleveland, Ohio, by Vivian Glasman who told him she had been instructed to furnish Perl \$2,000 and instructions to leave the United States. Since the date of his arrest, Perl has not been interviewed. [redacted]

Recently publicity has been given to a possible plan by the McCarthy Committee to interview Perl in prison in an effort to obtain from him information concerning the Julius Rosenberg network. At the present time Perl is appealing his conviction in the Southern District of New York to the Circuit Court of Appeals. [redacted]

65-59312-888

[Handwritten signature]

JPL:son

Classified by 4913
Exempt from GDS, Category 1
Date of Declassification Indefinite
AP/bja 3-27-77

TOP SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

TOP SECRET

On September 21, 1953, Phillip Wittenberg, attorney for Perl, contacted U. S. District Judge Sylvester J. Ryan and advised he intended to advise Perl his case had little or no merit, and funds he would use on appeal could be used to support Mrs. Perl. He stated he was going to suggest to Perl not to appeal his case. Wittenberg inquired from Judge Ryan if Perl could help himself by furnishing information to the Government. Judge Ryan made no comment. Wittenberg interviewed Perl in prison and the warden advised confidentially no discussion of Perl's cooperation with the Government was had to his knowledge. Perl was granted time to file a notice of appeal to the Circuit Court of Appeals until November 16, 1953. By letter dated October 28, 1953, the New York Office was instructed to recontact Judge Ryan to ascertain if he had further contact with Wittenberg. [u]

RECOMMENDATION

It is recommended that no further interview of Perl be conducted at this time as his case is under appeal. However, if no notice of appeal is filed by November 16, 1953, further consideration should be given to reinterviewing the subject. [u]

TOP SECRET

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 18 1953

TELETYPE

WASH 1 FROM NEW YORK 13 12-20 AM
DIRECTOR URGENT

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Belmont	✓
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Gearty	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

Handwritten: 65-59312-889

WILLIAM PERL, WA., ESP-R., PERJURY. AUSA KILSHEIMER, SDNY, ADVISED THIS DATE, PERL-S APPEAL BRIEF FILED COA, SECOND CIRCUIT, NOV SIXTEEN. BRIEF MAKES FOUR POINTS- FIRST, CONTEND IN SUBSTANCE THAT PROOF RE ROSENBERG AND SOBELL COUNTS TERMINATED WITH CHRISTMAS, FORTYSIX PARTY /BLUE MILL RESTAUPANT/ AND THEREFORE IS NOT PROOF THAT PERL KNEW ROSENBERG AND SOBELL IN FIFTY WHEN HE TESTIFIED BEFORE GRAND JURY. SECOND, THAT INDICTMENT ASSERTED PERL KNEW OR WAS ASSOCIATED WITH OR HAD KNOWLEDGE OF ACTIVITIES OF ROSENBERG AND SOBELL IN CONNECTION WITH SOVIET ESPIONAGE WHILE PROOF CONCERNING INNOCUOUS, COMMONPLACE INCIDENTS NOT RELATED TO ESPIONAGE. SUCH AS SCHOOL RELATIONSHIP AND DINNER PARTIES. THIRD, MULTIPLICITY OF INDICTMENT DENIED FAIR TRIAL IN THAT FOUR COUNTS INVOLVED FIVE PEOPLE ON THREE OF WHOM PERL WAS ACQUITTED, THIS MUST HAVE HAD WEIGHT WITH JURY ON THOSE COUNTS WHICH HE WAS CONVICTED, FURTHER THAT PROOF IN SIDOROVICH COUNT ON WHICH PERL WAS ACQUITTED WAS DATED FORTYEIGHT WHICH BROUGHT THE TERMINATION OF PROOF ONLY TWO YEARS BEFORE PERL-S TESTIMONY IN FIFTY. THIS HAD IMPALPABLE EFFECT ON JURY WHICH COULD NOT BE ERASED AS TO THE ROSENBERG AND SOBELL COUNTS ON WHICH PERL WAS CONVICTED. THIS COUNT ALSO

CONTENDS THAT INCLUSION OF SIDOROVICH AND ELITCHER COUNTS INSERTED

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NOV 23 1953

68 NOV 24 1953

END PAGE ONE

65-59312-889

cc [Handwritten]

Handwritten: K. Belmont
S. [unclear]

Handwritten: [Signature]

PAGE TWO

COMMUNIST ISSUE WHICH WAS NOT CURED BY DIRECTION OF THE COURT TO DISREGARD SUCH ISSUES. FOURTH, THERE WAS REVERSIBLE ERROR IN TRIAL COURT-S DENIAL OF MOTION TO DISMISS INDICTMENT IN THAT SAME FAILED TO SET FORTH ESSENTIAL ELEMENTS OF CRIME OF PERJURY. THIS COURT CONTENDS IN SUBSTANCE THAT INDICTMENT FAULTY BECAUSE GRAND JURY FOREMAN UNDER EXISTING ALLEGATION SET FORTH IN MEMO OF LAW PREVIOUSLY FILED BY TRIAL ATTORNEY, RAYMOND L. WISE, PRIOR TO TRIAL DATE. THIS BRIEF SUBMITTED BY PHILLIP WITTENBERG, ATTORNEY FOR APPELLANT, AND IRVING LIKE OF COUNSEL. AUSA KILSHEIMER STATED GOVERNMENT REPLIED BRIEF WILL BE FILED ON OR ABOUT DECEMBER FIRST NEXT. LETTER FOLLOWS INCLOSING COPY OF ABOVE BRIEF.

BOARDMAN

END

NY R 1 WA DP

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: November 20, 1953

FROM : E. A. Brennan

SUBJECT: WILLIAM PERL, was.
ESPIONAGE - R
PERJURY

Tolson	_____
Ladd	_____
Clegg	_____
Glavin	_____
Nichols	_____
Tracy	_____
Harbo	_____
Belmont	_____
Mohr	_____
Tele. Rm.	_____
Nease	_____
Gandy	_____

Reference is made to memorandum dated 11-5-53, from Mr. Brennan to Mr. Belmont advising that publicity had been given to a possible plan by the McCarthy Committee to interview Perl in prison in an effort to obtain information from him concerning the Rosenberg network. This memorandum pointed out that Perl's conviction of perjury was presently on appeal and that no consideration was being given by us to interviewing Perl unless he failed to file a notice of appeal, the deadline for which was 11-16-53. The Director noted his assent on this memorandum.

A New York teletype of 11-16-53, advises that Perl did file his appeal brief with the U.S. Court of Appeals, 2nd Circuit, 11-16-53.

ACTION:

In view of the foregoing, no consideration is being given to interviewing Perl pending final determination of court action in this matter.

RECORDED-15

65-59312-890

M

20

INDEXED
FILED

65-59312

APL:bl

NOV 24 1953

Office Memorandum • UNITED STATES GOVERNMENT
TOP SECRET

TO : Director, FBI (65-59312)

DATE: 11/27/53

LVB FROM : SAC, New York (65-15387)

Classified by 11913
Exempt from GDS, Category 2
Date of Declassification Indefinite

SUBJECT: WILLIAM PERL, WE.
ESP-R
PERJURY

APR 11 1953

ReBulet 10/28/53, which requested information concerning any further developments with reference to PERL's attorney's efforts to gain PERL's cooperation and further requested a complete review of instant case for additional leads to develop evidence of subject's espionage activities. New York letter to the Bureau dated 11/19/53, set forth in detail the current status of PERL's possible cooperation which generally indicates there are no known efforts along this line at the present time. Since Appellant's brief has been filed it would appear that Mr. WITTENBERG intends to prosecute the appeal in the regular course. (u)

AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DATE

The Bureau is advised that prior to the perjury trial in May of this year, the file of instant case was thoroughly reviewed for additional leads with particular reference, of course, to this perjury investigation. During this review, this office was alert to any possibilities of an espionage nature. This file review was coordinated, as far as possible, with the activities of the February Grand Jury directed by AUSA ROBERT MARTIN, SDNY, and various interviews were conducted in that connection, as set forth in New York report dated 5/18/53. (u)

The above file review and resultant inquiries were directed to attempting to strengthen the perjury evidence and to developing additional lines of investigation concerning subject's suspected espionage activities. These efforts did result in two additional perjury witnesses but nothing substantial was added to the espionage aspect. (u)

An analysis of the espionage possibilities of this case as related to other cases in the ROSENBERG ring reveals that aside from the suspicion inherent in the GLASSMAN incident and in the fact of PERL's acquaintance and association with ROSENBERG, SOBELL, JOEL BARR, ALFRED SARANT and MAX ELITCHER, the only sources of espionage information are in the data supplied by [redacted] (u)

b7d
b1

It is recalled that DAVID GREENGLASS has stated on several occasions he did not know PERL personally, but that ROSENBERG had mentioned that he had received certain information concerning atomic energy for airplanes from "one of his boys". When this information is correlated with that supplied by [redacted] wherein PERL was specifically mentioned by ROSENBERG as the latter's source for this data (NEPA), only then does GREENGLASS' statement become meaningful as related to PERL. MAX and HELENE ELITCHER have never supplied espionage information concerning PERL. (u)

b7d

COPIES DESTROYED
R 26 NOV 22 1960

RECORDED

65-59312-891

TOP SECRET

EX-122

HC

~~TOP SECRET~~

Letter to Director
NY 65-15387

As for the espionage data supplied by [REDACTED] under the law of conspiracy this testimony could only be used in an indictment charging both ROSENBERG and PERL and only then if it could be shown that ROSENBERG's conversations with [REDACTED] were made as a part of or in furtherance of the conspiracy. It would appear, however, that the Courts would construe the conspiracy to have terminated at the arrest of ROSENBERG, at least as to ROSENBERG, and that the conversations with [REDACTED] were not in fact in furtherance of the conspiracy and therefore inadmissible as to PERL. If this were true, then any statement by GREENGLASS in the nature of corroboration or circumstantial evidence likewise would be rendered inadmissible. [u] b7d b7d b7d

It would appear, therefore, that the only possibility of developing evidence of PERL's espionage activities as requested in reBulet lies in his own cooperation from which additional lines of investigation may emanate, or from the cooperation of such individuals as MORTON SOBELL, JOEL BARR, ALFRED SARANT or VIVIAN GLASSMAN. SOBELL's apparent attitude, as reflected in his recent correspondence with his wife and in his continued appeal efforts, the absence of BARR and SARANT and the total lack of cooperation by GLASSMAN, make these considerations at this time completely unwarranted. [u]

The above matters have been discussed on several occasions and in considerable detail with various members of the United States Attorney's office, SDNY [REDACTED] b1

The current review of instant case has revealed no additional logical leads to further the espionage aspects of this case at this time. [u]

The developments in the related cases of the ROSENBERG ring are being closely followed and any situation which may give rise to furtherance of instant espionage case will be fully explored. [u]

In the interim, this office is following the appeal of the perjury case and the Bureau will be immediately advised of developments. [u]

~~TOP SECRET~~

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

DECEMBER 15, 1953
NEW YORK, NEW YORK

Transmit the following Teletype message to:

BUREAU

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Mohr	_____
Mr. Trotter	_____
Mr. Winterrowd	_____
Mr. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

WILLIAM PERL, WA; ESPIONAGE - R; PERJURY. AUSA KILSHEIMER, NY
ADVISED EXTENSION OF TIME GRANTED FOR FILING GOVERNMENT REPLY PERL
IN CCA SECOND CIRCUIT UNTIL 1/15/54. BUREAU WILL BE KEPT ADVISED.

BOARDMAN

3 - BUREAU (REGISTERED)

RECORDED-96

65-59312-893

MWC:MTH (#6)
65-15387

Mr. Belmont

Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

53 DEC 23 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO: Director, FBI (65-59312)

DATE: 2/8/54

TO: SAC, New York (65-15387)

FROM: WILLIAM PERL, wa
SUBJECT: ESPIONAGE - R; PERJURY

50152

Re NYlet 11/19/53, which enclosed to the Bureau a photostatic copy of the appeal brief filed on 11/16/53 by PHILIP WITTENBERG and IRVING LIKE, attorneys, for PERL.

Enclosed herewith for Bureau files is one original copy of the Government reply brief, filed in the Circuit Court of Appeals on 1/8/54. This brief was prepared by AUSA JAMES B. KILSEIMER, III. The argument before the bench will be made by Chief AUSA ELOYD F. MacMAHON, who participated in the trial of instant case. Appellant, represented by IRVING LIKE, receipted for copies of this reply brief on 1/8/54.

For the information of the Bureau, it is anticipated this case will be placed on the calendar for argument on January 12 or 13, 1954 and should be reached on or before January 15, 1954, when the Court will recess until 2/1/54. According to present schedule, the bench will consist of Judges CARROLL C. HINCKS, HAROLD R. MEDINA and JEROME N. FRANK.

The Bureau will be advised of developments.

Enc. (1)

ENCLO. ATTACHED

RECORDED-100
EX-124
JAN 15 1954

65-59312-894
JAN 11 1954

MWC:MTB

To be argued by
LLOYD F. MACMAHON

United States Court of Appeals
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee.

—v.—

WILLIAM PERL,

Appellant.

BRIEF FOR UNITED STATES OF AMERICA

J. EDWARD LUMBARD,
*United States Attorney for the
Southern District of New York,
Attorney for Plaintiff-Appellee.*

LLOYD F. MACMAHON,
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JAMES B. KILSHEIMER, III,
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Of Counsel.*

65-59312-894

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United States Court of Appeals

FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee.

—v.—

WILLIAM PERL,

Appellant.

BRIEF FOR UNITED STATES OF AMERICA

Statement

This is an appeal from a judgment of conviction and sentence entered in the United States District Court for the Southern District of New York after a trial before Honorable Sylvester J. Ryan and a jury.

Appellant, William Perl, was indicted for perjury committed before a grand jury investigating Soviet espionage. The grand jury sought information from Perl concerning Julius Rosenberg, Morton Sobell (who was convicted along with Rosenberg*), and others. Perl denied knowing five individuals and was indicted by the grand jury in four counts. Specifically, Perl was charged with perjury for denying that he knew:

- (1) Morton Sobell
- (2) Helene Elitcher
- (3) Julius Rosenberg
- (4) Ann and Michael Sidorovich.

* See *United States v. Rosenberg, et al.*, 195 F. 2d 583 (2 Cir., 1952), cert. denied 344 U. S. 838.

The jury convicted Perl on counts 1 and 3, and acquitted on counts 2 and 4 (583).^{*} The jury recommended clemency, which the Court considered in imposing sentence (625-6). The trial judge concluded, however, that Perl's motive in lying was "to conceal and withhold information concerning activities of (his) matured life" (627).^{**} In view of the seriousness of concealment and perjury in an espionage investigation, the court imposed a prison sentence of five years on each of the two counts upon which Perl was convicted, the sentences to run concurrently (627).

A motion for bail pending appeal was denied by the trial judge at the conclusion of the trial. The motion was renewed before a full bench of this Court (Judges Chase, Swan and A. N. Hand), and was unanimously denied.

The Statute Involved

Section 1621 of Title 18, United States Code, provides as follows:

"1621. Perjury generally.

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be

^{*} All references unless otherwise noted are to pages in the stenographer's transcript of the trial.

^{**} Although appellant has not seen fit to include in the record the colloquy which took place at the time the Court imposed sentence, a copy of this transcript can be made available to the Court for its information.

true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both."

Statement of Facts

In the summer of 1950 a Grand Jury in the Southern District of New York was conducting an investigation into the espionage activities of Julius Rosenberg, Morton Sobell and others (64). In connection with this investigation it was material to determine whether Perl knew, was associated with, or had knowledge of the activities of Julius Rosenberg and Morton Sobell (iv, 64). Perl denied knowing both Rosenberg and Sobell, and was indicted for perjury.

It was conceded at the trial that (1) the grand jury minutes (Ex. 2) contained Perl's complete testimony (79); (2) an oath was administered to Perl by the grand jury foreman (856); (3) Perl understood the questions (192, 333); and (4) the questions and Perl's answers were material to the grand jury's espionage investigation (125).

We shall first detail Perl's denials and his subsequent recantation before the grand jury. We shall then discuss the evidence which overwhelmingly proved the perjury, and Perl's motive for lying.

A. Perl Falsely Denies Knowing Morton Sobell.

During Perl's first appearance before the grand jury on August 18, 1950, he clearly denied knowing Morton Sobell. The question and perjurious answer charged in count 1 was:

"Q. Do you know Morton Sobell? A. Well, I do not, to the best of my recollection, although I realize he went through City College at the same time I did" (iv, 84).

In order to convince the grand jury that his answer was true, Perl professed inability to identify Sobell from a picture shown to him (84, Ex. 3) and he said he had no independent recollection of Sobell's being in his class (109).

On his second appearance before the grand jury, September 11, 1950, Perl started to recant his prior testimony. At that time, he could "recall Sobell in my City College days" (111). Even then he denied seeing Sobell after he left college (111). On Perl's third grand jury appearance, October 4, 1950, his recantation became complete. At this time he was asked precisely the same question as asked on his first appearance, but this time he gave the opposite answer:

"Q. Do you know Sobell, Morton Sobell? A. Yes, I recollect Sobell" (118).

In addition, Perl then admitted that he saw Sobell "several times" after his college days (119); he kept in touch with Sobell "either by correspondence or occasional personal contact, or both" (119); he saw Sobell "two or three times" a year, and wrote letters to him once or twice a year (121). Finally Perl completely contradicted his first sworn denial, and admitted that he "knew" Sobel (142).

B. Perl Falsely Denies Knowing Julius Rosenberg.

When Perl was first asked about Julius Rosenberg, he had a convenient lapse of memory. On August 18, 1950, the following colloquy ensued:

"Q. Do you know Julius Rosenberg? A. No, I do not, to the best of my recollection" (86-7).

As with Sobell, Perl was unable to identify a picture of Rosenberg (87, Ex. 4). He did not recall ever meeting Rosenberg, and had never met Ethel Rosenberg (90).

On October 4, 1950, Perl's third grand jury appearance, he retreated from his previous answers as to Rosenberg, and then admitted that he had "an awareness of Rosenberg from City College days" (117). Although Perl did not completely recant his prior testimony with regard to Rosenberg, the evidence at the trial clearly established that Perl's denials at his first grand jury appearance were wilfully false as to both Rosenberg and Sobell.

C. Perl Was Closely Associated with Both Julius Rosenberg and Morton Sobell for a Period of at Least Twelve Years.

Perl attended the College of the City of New York (C.C.N.Y.) from 1934 until 1939 (145-6, 293). He was in the Engineering School, studying electrical engineering (293). During this same period, Morton Sobell and Julius Rosenberg were taking the same course at the same school (216-17). Perl and Sobell were in the same class and section for eight courses, with sections having as few as seven students meeting as often as three times a week (188-191, Ex. 14). He was also in the same class and section as Rosenberg for two courses, one of which had only fourteen students and met three times a week, the other with twenty students meeting twice a week (189-91, Ex. 14).

While at school, Perl, Rosenberg and Sobell were part of a "clique" (171), and were constantly together around the campus (147-8, 218-19). In addition, during this period Rosenberg was chairman of meetings of the Steinmetz Club, which was the engineering affiliate of the Young Communist League (235, 238). There were approximately 10-15 members of this cell (237), with Rosenberg running the meetings and Perl and Sobell in regular attendance (237-9). Perl also joined Rosenberg and Sobell at Young Communist League meetings away from the C.C.N.Y. campus (219).

In 1940 Perl took employment with the National Advisory Committee for Aeronautics at Langley Field, Virginia (296). Writing home in 1940, he noted that "my friend . . . Sobell" had been down from Washington to visit him (Ex. 18). In 1940 or 1941 he visited Sobell in Washington, D. C. (151), and thereafter told a mutual friend of his visit with Sobell (221). In 1941, within a few days after Sobell had left his \$2600 a year job with the Navy Department in Washington to continue his studies at the University of Michigan (151-2; Ex. 20), Perl wrote to his family describing Sobell's new endeavor in detail as follows:

"A friend of mine just quit his \$2600 a year job to go back to school and study radio" (Ex. 19). (Italics added.)

Some months later when he saw a classmate of both his and Sobell's, Perl told him of Sobell's whereabouts (222).

Subsequently, Perl was stationed with N.A.C.A. in Cleveland, Ohio (296). In the summer of 1944 Perl visited New York. He and his brother joined Rosenberg on the corner of 8th Avenue and 42nd Street where Rosenberg was waiting with Max Elitcher (another classmate), Elitcher's wife, and sister-in-law (152-3, 245-6). Perl greeted Rosenberg and Elitcher; no introduction to them was necessary (154, 246). The Elitchers were also visiting New York and had telephoned Rosenberg about this meeting, but had not been in communication with Perl; obviously, Rosenberg must have arranged the appointment with Perl (153).*

* Perl was first introduced to Helene Elitcher and her sister-in-law, Ruth Alscher, at this meeting, so they could not have been in touch with him previously (154, 246).

Perl spent the entire evening with this group, including Rosenberg. They were joined by Joel Barr, another classmate from C.C.N.Y., and ultimately visited the apartment of Al Sarant at 65 Morton Street, where they listened to classical guitar music (155-9, 246-50).

During the following year, 1945, while Perl was still in Cleveland he wrote to Barr about purchasing a guitar (424, Ex. 34). Again in 1945 Perl wrote to Joel Barr about vacation plans and inquired about Sobell's (425, Ex. 35). Thus Perl maintained his very close friendship with Sobell which had begun years before at college.

In 1946 Perl returned to New York and through Barr sublet Sarant's apartment at 65 Morton Street—the same place Perl and Rosenberg visited in 1944 (376-7, 409, 420, Ex. 29, 32-A-32-1, inclusive). At about Christmas time, 1946, Max Elitcher and his wife were again visiting New York. After calling Rosenberg by telephone, they met him outside Perl's Morton Street apartment (161). The trio then walked to a restaurant where they found Perl and Joel Barr waiting for them. They were soon joined by Sobell and his wife. The group had dinner together, and then went to Rosenberg's home for the evening (160-A-164, 251-254). Ethel Rosenberg was present there (163, 253). Thus the "clique" that started in C.C.N.Y. more than ten years previously was still together.

In the summer of 1950 Perl was in Cleveland working as an aeronautical engineer with N.A.C.A. Agents of the Federal Bureau of Investigation interviewed him concerning his knowledge of Julius Rosenberg who, Perl was informed, had been arrested for espionage; he was also asked questions concerning his knowledge of Morton Sobell (318, 323). Perl was apprehensive about this for he told a friend that he thought the F.B.I. was following him because it believed he was involved with Rosenberg (226).

Shortly after the initial F.B.I. interview, a woman named Vivian Glassman called upon Perl in his apartment in Cleveland (92, 98). This was no social visit, for even Perl admitted that "she acted somewhat mysteriously" (92). Instead of talking, Glassman wrote out instructions for Perl to flee to Mexico, and offered him money for the trip (92, 106). She identified her mission by writing Rosenberg's name and referring to Barr (439, 440, 442).

According to Perl's grand jury testimony, he told Glassman that she must have made a mistake (104). In fact, Perl had met her previously through Barr and while staying at her sister's house earlier that same year (434, 436). Before the grand jury, Perl testified that he "knew" Vivian Glassman (91). Notwithstanding that Perl knew that the F.B.I. had arrested Rosenberg for espionage and had questioned Perl about Rosenberg, Perl deliberately destroyed the paper on which Glassman had written the flight instructions (444). Testifying before the grand jury, Perl could neither explain her visit nor his conduct, and admitted that his story was "incredible" (105-6).

In any event, Rosenberg was recalled to appellant in a manner which, to say the least, should have stimulated Perl's memory of any association with him, and to only a slightly lesser extent, the same was true of Sobell. It was in this context that on August 18, 1950, less than a month later, Perl denied knowing or ever meeting Rosenberg; denied knowing Sobell and was unable to recall Sobell even as a classmate. Also contemporaneously Perl could not identify pictures of Rosenberg and Sobell.

Perl's motive in lying to the grand jury about his knowledge and association with Rosenberg and Sobell became apparent during the course of the trial. He admitted that in July, 1950 (one month before his first grand jury appearance), he knew that he was being investigated by the

F.B.I. in connection with the Rosenberg-Sobell "spy case" (318, 323, 324, 326).

Perl wanted "to stay as far away as possible from this investigation" (336). Just as he had "played down" his connections with Barr and Sarant both before the grand jury (107) and in a prior loyalty investigation (451), he sought to do the same as to Rosenberg and Sobell at his initial grand jury appearance. His conviction resulted because he deliberately went to the extent of denying any knowledge of Rosenberg and Sobell. This, of course, was false and was designed to eliminate Perl from the espionage investigation.

D. Perl's Trial Defense.

At the trial Perl's defense was that he understood the word "know" in the grand jury interrogation in his own unique manner to mean "intimately acquainted or closely associated with" (329-331, 334). Thus in his own mind Perl was telling the grand jury: "I am not intimately acquainted or closely associated with Rosenberg and Sobell to the best of my recollection"! This was false on its face.

Indeed Perl got himself so involved in his attempt to redefine the meaning of "know" that at one time, despite his Ph.D. degree (298), he professed a need for a dictionary to find the meaning of "know" in the question: "Do you know an individual?" (453).

This explanation was patently an afterthought concocted for the trial jury. It was so specious that Perl himself could not adhere to it even when making a conscious effort to do so; for he repeatedly used the word in its common and accepted sense: thus he "knew" Vivian Glassman (91, 95), her sister (97), Morton Sobell (118, 135, 142), William Danziger (142), Milton Klein (293), Al Sarant (412), and Joel Barr (429).

Perl's only other explanation for his grand jury testimony was: "Some parts of it seem a little incredible to me right now. I must have had lapses of memory" (351).

Thus the jury had presented to it the issue of fact which they resolved against Perl.

ARGUMENT

POINT I

The evidence of Perl's continued close association with Rosenberg and Sobell buttressed by his recantation before the grand jury and the evidence of his motive for lying conclusively proved his perjury in denying knowledge of Julius Rosenberg and Morton Sobell.

On this appeal Perl has abandoned his trial defense that he understood the word, "know," in his own unique manner. Indeed he now concedes that we proved to the trial jury that he "knew" Julius Rosenberg and Morton Sobell "up to 1942 after his (Perl's) graduation from college and while they were college mates looking for jobs" (App. Br. p. 28). He now suggests that his denial of recollection before the grand jury was not categorical (App. Br. pp. 3-4), and that there was no proof of his present recollection of Rosenberg and Sobell when he appeared before the grand jury.

At the outset we point out that Perl not only denied knowing Rosenberg and Sobell at his first grand jury appearance, but he professed his inability to identify pictures of them or even to recall them in his college class. This, less than a month after he had been questioned by federal agents about the same two people, and within a few weeks of his receipt of instructions to flee the country from

a courier who identified her mission by mentioning Rosenberg's name.*

In *United States v. Remington*, 191 F. 2d 246 (2 Cir., 1951), cert. denied 343 U. S. 907, the Court said:

"Hence the doctrine that perjury must be proved by the direct testimony of two witnesses, or one corroborated witness means that the witnesses must testify to some 'overt act' from which the jury may 'infer' the accused's actual belief."

Specifically, when dealing with the question of knowledge, which is precisely the question involved in this case, the Court ruled:

"It is obvious that all knowledge, apart from that possessed by the person himself, as to what one does remember, lies in what common experience shows he ought under given circumstances to remember" *United States v. Otto*, 54 F. 2d 277, 279 (2 Cir., 1931).

Here the circumstances immediately prior to Perl's first grand jury appearance are undisputed. In July 1950 Perl was questioned by agents of the F.B.I. about his knowledge of Julius Rosenberg who, he was informed, had been arrested for espionage on behalf of the Soviet Union. He was questioned at the same time about his knowledge of Morton Sobell. After the questioning a woman whom he knew from New York came to his home in Cleveland and offered him money to flee to Mexico, using Rosenberg's name to identify her mission. Perl himself immediately connected this visit with Julius Rosenberg and the espionage.

* It should be noted that Julius Rosenberg also gave similar flight instructions to other of his espionage contacts. See *United States v. Rosenberg, et al.*, 195 F. 2d 583, 589 (2 Cir., 1952), cert. denied 344 U. S. 838.

age investigation. To say the least, these were striking circumstances which preceded his testimony before the grand jury by less than a month.

In addition, the evidence of the perjury was corroborated by Perl's subsequent recantation before the grand jury. Whereas on August 18, 1950, Perl denied knowing Sobell, by October 4, 1950, less than two months later, he answered the same question in precisely the opposite manner, and unequivocally admitted that he "knew" Sobell. Similarly, after first denying that he knew Rosenberg, Perl later recanted to admit that he had an "awareness" of him. Of course, the subsequent recantation does not in any way excuse his prior perjury because the crime was "complete when a witness's statement has once been made." *United States v. Norris*, 300 U. S. 564, 574 (1937). Indeed, the subsequent recantation, in and of itself, is sufficient corroboration of the perjury. *United States v. Buckner*, 118 F. 2d 468 (2 Cir., 1941); *Hart v. United States*, 131 F. 2d 59 (9 Cir., 1942); 7 Wignmore on Evidence, 3rd Edition, Section 2043.

The overt acts from which the jury inferred the falsity of Perl's belief when compared to his testimony are set out in detail in the statement of facts (p. 3 to p. 10 *supra*), and will be briefly noted here:

A. Morton Sobell.

1. They were classmates at C.C.N.Y. from 1934 to 1939, and part of a small clique frequently together.
2. During 1936 to 1938 Perl attended and was active in Young Communist League meetings at which Rosenberg presided and Sobell was present.
3. In 1940 Perl visited Sobell in Washington and referred to him in his correspondence as "my friend . . . Sobell."

4. In 1946 Perl had dinner and spent the evening with Sobell.
5. Perl's continued contact with Sobell is corroborated by letters concededly written by Perl. One written in 1942 showed Perl's intimate knowledge of Sobell's whereabouts and another in 1945 inquired of a mutual friend as to Sobell's vacation plans.
6. On October 4, 1950 Perl admitted that he "knew" Sobell, corresponded with him and saw him two or three times a year.

B. Julius Rosenberg.

1. As with Sobell, Rosenberg and Perl were classmates together at C.C.N.Y.
2. Rosenberg presided at Young Communist League meetings which Perl and Sobell attended.
3. In 1944 Perl had dinner and spent the evening with Julius Rosenberg and other members of the college clique.
4. In 1946 Perl again met Rosenberg in New York and spent the evening in his home together with Ethel Rosenberg.
5. In July 1950 Perl was offered money and given instructions to flee the country, with Rosenberg's name being used to identify the courier.
6. On October 4, 1950 Perl admitted that he had an "awareness" of Rosenberg.

In addition to the above evidence, there was a great deal of corroborative evidence, much of it elicited from Perl himself on cross-examination. As in the case of *United*

States v. Hiss, 185 F. 2d 822 (2 Cir., 1950), cert. denied, 340 U. S. 948, the jury undoubtedly believed that Perl "had been less than frank in his recognition of" Rosenberg and Sobell. Perl testified that he was a truthful person who did not lie. Yet, on cross-examination, it was established that in a certified security clearance form for the Atomic Energy Commission he had omitted his address at 65 Morton Street, New York (374, Ex. 26). Questioned about this omission, he replied under oath that he resided with his parents at 936 Tiffany Street during 1946-48 (395). In fact during that period he had sublet the apartment at 65 Morton Street (409), paid the rent regularly (Exs. 32A-I), lived there for about two years, and twice gave it as his official voting residence (Exs. 29, 30). This address is the place where Perl joined Rosenberg in 1944, and again in 1946.

Likewise on cross-examination it was shown that Perl falsified his association with Alfred Sarant on his Government Loyalty Questionnaire as well as his association with Joel Barr, who was part of the clique at City College (451). Barr also was present with Rosenberg and Sobell at the 1944 and 1946 gatherings.

There can be no question that each of the overt acts was proved in a manner which complies fully with the perjury rule of two direct witnesses or one corroborated witness.*

* Appellant challenges the testimony of Max and Helene Elitcher on grounds of credibility. This, of course, was for the jury to decide.

The fact that the jury acquitted Perl on the count for his denial of knowledge of Helene Elitcher is without significance. He met her only twice; thus, there is no inconsistency between an acquittal on this count and belief of her testimony concerning Perl's association with Rosenberg and Sobell. Moreover, even if this is an inconsistency in verdicts it still presents no basis for appeal. *Dunn v. United States*, 284 U. S. 390 (1932). Indeed, under the *Dunn* case, *supra*, an acquittal on one count does not invalidate the finding of guilt on another even though the same evidence is offered in support of both counts.

In any event the case was submitted to the jury under clear instructions by the trial court, including the necessity of proof of "overt acts" from which the jury could infer the actual state of Perl's mind and belief when he testified (551-2, 548). Trial counsel for appellant commented that aside from his basic legal objection as to the power of the grand jury foreman to administer an oath (see Point III, *infra*), "The charge was entirely fair" (575).

Thus, on the sufficiency of evidence, the only question for the Court is whether the facts proved to the trial jury are such that the jury could properly infer from "common experience" that Perl remembered Sobell and Rosenberg under the circumstances of his grand jury appearance. The proof, of course, need be only so direct as the subject matter will permit. *United States v. Otto*, 54 F. 2d 277, 279 (2 Cir., 1931). Directness, after all, is a practical matter and is not something for "dialectical extravagance." See *United States v. Goldstein*, 168 F. 2d 666, 672 (2 Cir., 1948) (concurring opinion).

Under any circumstance it is incredible that a man of Perl's intellectual attainment would forget college friends with whom he maintained contact both in person and by correspondence from 1934 at least until 1946. It is all the more incredible, in view of the circumstances preceding Perl's appearance before the grand jury including the Glassman visit with flight instructions and the F.B.I. interrogation, that he would not remember Rosenberg and Sobell with whom the proof in this case showed he had been closely associated for 12 years. It is equally logical that Perl, with motives for deceit which began with the Young Communist League and culminated with the Glassman visit in 1950, would deliberately lie about Rosenberg and Sobell as he had admittedly done with others. In any event the jury verdict is amply supported by the evidence and thus this question is not open to review on appeal.

POINT II

Having conceded the materiality of his testimony to the espionage investigation, Perl's inconsistent complaints that we proved too little and too much espionage are without merit.

In Point II of his brief, Perl complains of error because we did not prove him guilty of espionage, whereas in Point III he complains that any reference to espionage was too prejudicial. In other words, in Point II he says we proved too little espionage, and in Point III he argues we proved too much.

Relying on the paragraph of the indictment which charged that Perl's testimony was material to the espionage investigation,* Perl asks this Court to read knowledge of espionage activities into the two questions:

"Do you know Julius Rosenberg?"

"Do you know Morton Sobell?"

Clearly, the indictment charged that it was material to ascertain whether Perl "knew" the individuals involved. It is difficult, however, to believe that Perl seriously presses this point in view of the trial record.

* The materiality was charged as follows:

"2. That, at the time and place aforesaid, the said grand jurors, inquiring as aforesaid, were conducting an investigation entitled, United States v. John Doe, pertaining to possible violation of espionage laws of the United States and other Federal criminal statutes, and it was material to said inquiry to ascertain whether or not the defendant knew or was associated with or had knowledge of the activities of Julius Rosenberg, Morton Sobell, Helene Elitcher and Ann Sidorovich and Michael Sidorovich, among others, in connection with an investigation of Soviet espionage."

At the trial Perl specifically conceded that the questions as asked, and answered, before the grand jury were material. The following colloquy occurred:

"The Court: Does the defense make any issue as to the materiality of the testimony which, it is alleged, was perjurious?

.

Mr. Wise: I certainly didn't hear the question, and the answer is no, sir.

The Court: The defense concedes that the questions asked of the witness were concerning matters which were material to the subject matter then under inquiry by the grand jury.

Mr. Wise: That is correct.

The Court: So there is no issue then for the Court to determine, and the Court rules that the matters embraced in each count of the indictment concerned matters material to the inquiry then being conducted by the grand jury.

Mr. Wise: Yes, sir" (124, 125).

Having conceded the materiality, Perl cannot now complain that proof was not elicited at the trial to show the materiality. Indeed, the only case cited by Perl on this point is so clearly inapposite as scarcely to require discussion. Perl refers to *Bowers v. United States*, 202 F. 2d 447 (App. D. C. 1953) (App. brief p. 27). That case involved a charge of contempt of the United States Senate for refusal to answer certain questions. The charge was predicated upon 2 U. S. C. §192, which makes it a misdemeanor to refuse to answer before a Congressional Committee "any question pertinent to the question under inquiry." The entire opinion dealt with whether there was any proof

that the questions charged in the indictment were "pertinent." In other words, the materiality of the questions was the issue of the *Bowers* case. That matter having specifically been conceded here, the case is of no significance.

Perl's complaints of proof of too much espionage in Point III of his brief are equally without merit. We will deal with each item seriatim.

Perl first complains about a "prejudicial" joinder of the four counts of the indictment. This issue is raised for the first time in this Court. Had Perl felt that he should not have been tried on the four counts charged, ample remedy was available by way of a motion to sever, under Rule 14, Federal Rules of Criminal Procedure.* Not having raised this issue before, Perl cannot now urge that he was prejudiced. As this court said in *United States v. Lotsch*, 102 F. 2d 35, 36 (2 Cir., 1939), cert. denied 307 U. S. 622:

" . . . Here we can see no prejudice from joining the three charges: the evidence as to each was short and simple; there was no reasonable ground for thinking that the jury could not keep separate what was relevant to each. The joinder was therefore proper, even assuming that the objection had not in any case been forfeited by failing to take it before the cause came to trial."

Here the jury obviously kept the evidence on each count separate, for they acquitted Perl on two counts. In any event, the joinder was proper because the crimes were

* That rules provides:

"If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of the counts, grant a severance of defendants or provide whatever other relief justice requires."

committed before the same grand jury, were of the same nature, and the proof of each count involved, in part, proof relevant to the other counts. Cf. Rule 8, F. R. Cr. P.; *Beaux Arts Dresses v. U. S.*, 9 F. 2d 531, 533 (2 Cir., 1925), cert. denied 270 U. S. 644.

We next find an amorphous complaint about the injection of "the Communist issue" into the case both by the trial court in its questioning on the *voir dire* and by the prosecutor in his summation. Specifically Perl says that there was "an attempt to associate the defendant with Communism and espionage and the *Rosenberg case*" (App. Brief, p. 34). Of course Perl's perjury occurred during an investigation into Rosenberg's espionage activity. It was defense counsel himself who requested that prospective jurors be questioned specifically:

"I think you should ask the jury if they know Julius Rosenberg, who is now under sentence of death in the atom spy case" (26).

As to the Court's questioning of prospective jurors, no objection or even murmur of complaint was made at the time by appellant. The defense at the trial was apparently well satisfied with the proceedings (27). Review of the entire *voir dire* examination, reveals not one objection by defense counsel as to any question put to the prospective jurors (2-47).

During the trial, too, defense counsel cross-examined certain witnesses called by the prosecution as to their past membership or activity in the Communist Party (165), or Young Communist League (230, 243). In the Government's opening to the jury it was stated that the proof would show that Perl was closely associated with Rosenberg and Sobell in the Young Communist League at C.C.N.Y. (70). The jury was specifically cautioned by the

prosecutor not to let matters such as the Young Communist League or the espionage investigation sway their judgment, because the Government desired the case to be decided on the evidence alone (71-2). As to this, defense counsel stated:

"I have never heard a fairer opening on the part of the Government. In many ways I would have made the same opening myself" (72).

Indeed, the espionage overtones of which complaint now is made, were introduced at the trial because of the defendant's insistence that all the grand jury testimony go into evidence (59, 79, Ex. 1). Thus the Glassman incident with the offer of money to finance Perl's flight out of the country, was made part of the case—not by the prosecution—but by the stipulation of the defense.

The final complaint deals with one sentence of the prosecutor's summation, having to do with the Communist affiliations of certain people. This was in answer to defense counsel's inflammatory attack on a Government witness as a communist (*Cf.* 489-490). In any event it was a fair comment on the evidence as it stood in the record at that time.*

* The reference to Joel Farr and Al Sarant to which appellant now takes exception (App. Brief, p. 37) was obviously proper. Perl had admitted that he tried to "minimize" and had "played down" his association with these two persons because he was afraid he would lose his job if the loyalty board "got an impression that I was associated with Communists" (451). The evidence showed that they were present on more than one occasion when Perl was together with Rosenberg and Sobell.

POINT III

Perl's attack upon the sufficiency of the indictment is based upon a misconception of the law and reliance upon a case which has since been unanimously reversed.

In Perl's last point he raises two questions: (1) The indictment was insufficient because it did not specify the law of the United States which authorizes the oath before a grand jury; (2) No "law of the United States" authorizes an oath before a grand jury. Each point is frivolous.

The only authority cited for Perl's argument on the sufficiency of the indictment is *United States v. Debrow*, 203 F. 2d 699 (5 Cir. 1953). While the voluminous quotes from this case are undoubtedly illuminating, they are hardly of any significance for the *Debrow* decision was unanimously reversed by the Supreme Court of the United States on November 16, 1953. *United States v. Debrow*, — U. S. —, 22 L. W. 4019.

The indictments in the *Debrow* case had been dismissed because they "did not allege the name of the person who administered the oath *nor his authority to do so.*" (Emphasis supplied.) The indictments did charge "that the subcommittee of the Senate was a competent tribunal, pursuing matters properly before it, that in such proceeding it was authorized by a law of the United States to administer oaths, and that each defendant duly took an oath before such competent tribunal and wilfully testified falsely" as to material facts." As to the requirement that an oath be administered, Mr. Justice Minton, speaking for the Court said:

"The oath administered must be authorized by a law of the United States. This requirement is met by the

allegations in the indictments that the defendants had 'duly taken an oath.' 'Duly taken' means an oath taken according to a law which authorizes such oath" (22 L. W. at p. 4020).

The indictment in this case charges the perjury and the administration of the oath in precisely the same manner (iii-vii).

Realizing that Rule 6(c) of the Federal Rules of Criminal Procedure specifically states that a grand jury foreman "shall have power to administer oaths and affirmations . . ." Perl argues that the rule is not a "law of the United States" within the meaning of the perjury statute. He further contends that Section 3771, Title 18, United States Code, which empowers the Supreme Court to promulgate the rule, does not fulfill the statutory requirement.

Section 3771 is a broad authorization to the Supreme Court to prescribe:

" . . . rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, . . . in criminal cases . . . Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect . . ."

Congress specifically contemplated that the Supreme Court would give the grand jury foreman power to administer an oath, and specific reference was made to Rule 6(c) when Title 18 was codified. In repealing the statutory provision making specific reference to an oath, Congress

noted that Rule 6(c) was to replace the statutory provisions being repealed. Cf. 62 Stat. 829, Tit. 18, U. S. Code §3324. While Congress did not require the Supreme Court to make provisions for an oath before the grand jury, certainly Section 3771 authorizes the oath. Clearly, a permissive law is sufficient. *United States v. Curtis*, 107 U. S. 671, 673 (1882); *United States v. Obermeier*, 186 F. 2d 243 (2 Cir. 1950), cert. denied 340 U. S. 951.

Finally, because the rules have to be reported to Congress before they become effective, and because Congress by making reference to Rule 6(c) specifically approved and authorized this grant of power to the grand jury foreman, there can be no doubt that Section 3771 is a law of the United States authorizing the oath. It is well established that authorized rules of a court or even an administrative agency have the force and effect of law. Specifically, the Federal Rules of Criminal Procedure many times have been held to "have the effect of law." Cf. *Ochoa v. United States*, 167 F. 2d 341, 345 (9 Cir. 1948); *United States v. Infusino*, 131 F. 2d 617 (7 Cir. 1942); *Berkowitz v. United States*, 90 F. 2d 881 (8 Cir. 1937).

The Supreme Court of the United States on at least two occasions has upheld perjury prosecutions under a statute in all respects similar to Section 1621, Title 18, United States Code where the oath taken was authorized by an administrative regulation made pursuant to a general statutory grant of power to make necessary rules and regulations. *United States v. Smull*, 236 U. S. 405 (1915); *United States v. Morehad*, 243 U. S. 607 (1917). This Court, too, did precisely the same in *United States v. Obermeier, supra*.

Since Rule 6(c) has far greater legislative sanction than administrative regulations which were considered "laws of the United States" in the above cases, it must follow a for-

tiori, that Rule 6(c) is a law of the United States within the meaning of the perjury statute. It should be noted that Section 1621 does not specify that the oath must be required by law but merely "authorized." Both Section 3771 and Rule 6(c) authorize the oath herein administered.

CONCLUSION

The guilt of this appellant was proved by overwhelming evidence, no question of any merit is raised on this appeal and, therefore, the judgment should be, in all respects, affirmed.

Respectfully submitted,

J. EDWARD LUMBARD,

*United States Attorney for the
Southern District of New York,
Attorney for Plaintiff-Appellee.*

LLOYD F. MACMAHON,
Chief Assistant United States Attorney,

JAMES B. KILSHEIMER, III,
*Assistant United States Attorney,
Of Counsel.*

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

G. I. R.

JAN 8 1954

TELETYPE

WASH 12 FROM NEW YORK

3

815 P

DIRECTOR

URGENT

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Nease	_____
Mr. Gutter	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

WILLIAM PERL, WA., ESP-R., PERJURY. PENYLFIT NOVEMBER NINETEEN,
 FIFTYTHREE. GOVERNMENT REPLY BRIEF TO PEAPL APPEAL BRIEF FILED
 CCA, SECOND CIRCUIT, JANUARY EIGHT. ANTICIPATED FOR CALENDAR ON
 JANUARY TWELVE OR THIRTEEN NEXT TO BE REACHED FOR ARGUMENT ON CR
 BEFORE JANUARY FIFTEEN NEXT. ARGUMENT TO BE MADE BY CHIEF AUSA
 LLOYD F. MAC NAHON. COPY OF REPLY BRIEF BEING FORWARDED BY LETTER

BOARDMAN

HOLD PLS

RECORDED - 76

65-59312-895

Mr. Belmont

JAN 18 1954

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: 1/14/54

W.B. [unclear]
FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, Wa
ESP-R
PERJURY

Remytel 1/14/54.

Enclosed for Bureau files is one photostatic copy of Reply Brief for Appellant filed by PERL'S attorneys, PHILIP WITTENBERG and IRVING LIKE on 1/14/54.

Enc-1

MWC:IM

1-1-54
RECORDED - 54

65-59312-896
JAN 15 1954

60 JAN 20 1954

United States Communist Party
FOR THE SECOND QUARTER

PERI-BRIEFING FOR THE YEAR

ON

There was no discussion between Peri-Rosen
and the State Department officials.

The article published in the State Department

is a very important document and should be read
by all members of the Party.

The article is a very important document and should be read
by all members of the Party.

It is a very important document and should be read
by all members of the Party.

It is a very important document and should be read
by all members of the Party.

It appears that the error in the judgment was not a mere technical error, but a substantial one, which was not corrected. The public interest requires that the judgment be reversed, and the case remanded for a new trial. It is the duty of the court to see that justice is done, and to correct errors which affect the substantial rights of the parties.

Attest my hand and seal of the Court this 20th day of June, 1901.

The State, who has the control of the jury and counsel, is bound to see that the jury is properly instructed, and that the public interest requires that the court should exercise its power and duty to see that justice is done. In the case of *People v. Brown*, 137 Cal. 215, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CONCLUSION

The judgment of conviction ought to be reversed, and a judgment of acquittal ought to be directed.

Very truly yours,
[Signature]
Attorney for Appellant

U. S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

JAN 14 1954
TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WASH 6 FROM NEW YORK 14 627 P
DIRECTOR URGENT
G.I.R.-7

WILLIAM PERL, WA, ESP-R, PERJURY. REPLY BRIEF FOR APPELLANT FILED
BY PERL-S ATTORNEYS, PHILIP WITTENBERG AND IRVING LIKE, JANUARY
FOURTEEN INST. THIS BRIEF REPLIED TO GOVERNMENT ANSWER FILED
JANUARY EIGHT LAST. COPY BEING FORWARDED UNDER SEPARATE COVER.
AUSA KILSHEIMER ADVISED APPEAL OF INSTANT CASE WILL BE ARGUED BY
CHIEF AUSA MACMAHON IN THE CCA, SECOND CIRCUIT, JAN. FIFTEEN NEXT.

BOARDMAN

HOLD PLS

RECORDED - 90
EX-102

65-59312-897
JAN 28 1954

Mr. Belmont

53 JAN 21 1954

cc Boardman

A. H. BELMONT

January 18, 1954

W. A. BRANIGAN

WILLIAM PERL
ESP-R

In connection with the Semontel Case, CIC dossiers maintained by G-2, First Army, New York, were reviewed on a total of 667 individuals who are former or present employees or associates of former or present employees of the Army Signal Corps, Fort Monmouth, New Jersey, and the Federal Telecommunications Laboratories, Nutley, New Jersey. Upon completion of the review of these CIC dossiers, the files of the Bureau and the Newark and New York offices were reviewed on each of the 667 individuals. These file reviews were completed on 10-12-53 and based on the results thereof, action was taken by the Bureau on a number of individuals involved, including the above-captioned subject. The action taken relative to the captioned subject is indicated below by an "X":

Esp. - R Opened _____
Reopened _____
Continued XXX

SM - C Opened _____
Reopened _____
Continued _____

IS - R Opened _____
Reopened _____
Continued _____

SGE Opened _____
Reopened _____
Continued _____

ACTION:

This is for record purposes and should be filed in the subject's main file. A copy is being placed in the Semontel control file.

RECORDED-20

EX-129
WAA

65-59312-897x

cc - 65-61685

GHL:djb

RECORDED COPY FILED IN

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JAN 25 1954

TELETYPE

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WASH 4 FROM NEW YORK 15 448 P
DIRECTOR URGENT

P. L. R-3

WILLIAM PERL, WA, ESP-R, PERJURY. APPEAL ARGUMENTS INSTANT CASE HEARD THIS DATE BY CCA, SECOND CIRCUIT, COMPOSED OF MEDINA, FRANK AND HINCKS, FRANK PRESIDING. APPELLANT EMPHASIZED FIRST TWO POINTS OF BRIEF ARGUING FOR APPROX FOR APPROX FIFTY MINUTES INSUFFICIENT EVIDENCE TO SUSTAIN VERDICT AND COMMUNIST ISSUE. NO ARGUMENT ON POINT FOUR RE GRAND JURY FOREMAN ADMINISTERING OATH. APPELLEE REPLIED WITH TWENTY MINUTE ARGUMENT EMPHASIZING ONLY THOSE POINTS RAISED ORALLY BY APPELLANT. DECISION RESERVED. AUSA KILSHEIMER EXPECTS WRITTEN OPINION IN MONTH TO SIX WEEKS. BUREAU WILL BE ADVISED.

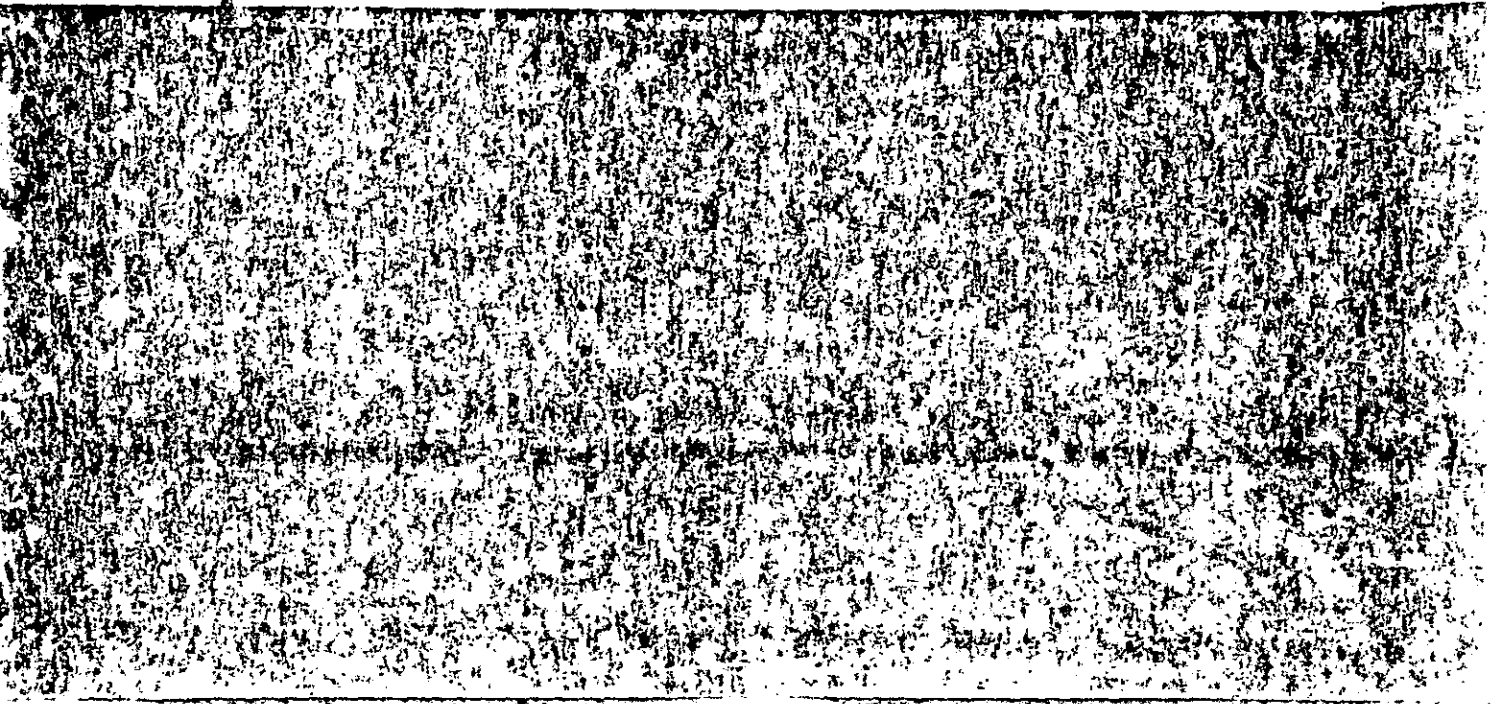
63 JAN 25 1954 BOARDMAN
HOLD PLS

RECORDED - 113

65-59312-998

JAN 22 1954

Mr. Belmont



Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, wa
ESP-R
PERJURY
(OO - New York)

DATE: 2/3/54

Re New York teletype 5/13/53, which requested the Los Angeles Office to advise the Registrar, Caltech, Pasadena, California, that a subpoena was being forwarded by the U.S. Attorney, SDNY, for production of the original of subject's graduate student file and all related papers. Reference Los Angeles teletype 5/14/53 which advised that the above material was being forwarded that date to the USA, SDNY.

The above graduate file has been turned over to this office by the USA, SDNY, for return to Caltech. It is noted that forwarded with the file was a carbon copy of an itemized receipt executed by SA Gilmer S. Robinson, Los Angeles, on 5/14/53, covering the contents of the file.

Enclosed herewith to Los Angeles is the original of the above file, together with the above receipt copy. It is requested that Los Angeles return this file to Mrs. Elizabeth Hanes, Assistant to the Registrar, California Institute of Technology, 1201 East California Street, Pasadena, California, and at the same time clear the receipt record of same.

For the information of Los Angeles, the appeal of instant perjury conviction is currently pending in the CCA, 2nd Circuit, New York City. For this reason the USA, SDNY, has been reluctant to release the enclosed file as well as other material obtained in preparation for trial of instant perjury case. He has stated that he would return this file to Caltech with the understanding that in the event of reversal of the conviction, same may be requested again.

1 - Los Angeles (Enc-2)(65-5075)(Registered Mail
Return Receipt Requested)

MWC:IM

RECORDED - 50

65-59312-899

FEB 5 1954

FEB 10 20 1954

5 18 FEB 3

Office Memorandum • UNITED STATES GOVERNMENT

TO DIRECTOR, FBI (65-59312)

DATE: 2/3/54

FROM SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, wa
ESF-R
PERJURY
(OO - New York)

Re Chicago letter to Director, copy of New York, dated 5/13/53, which enclosed to the New York Office the original Personnel Security Questionnaire executed by WILLIAM PERL.

Reference letter advised this form was obtained on 5/13/53 through Mr. Bernard S. Whelpley, Assistant Security Director, A.E.C., Chicago, Illinois.

The original PSQ is enclosed herewith to Chicago for return to Mr. Whelpley. The Chicago Office is advised that instant form was designated Government Exhibit No. 26 during the trial of PERL in the Southern District of New York and on 1/8/54, prior to argument of the appeal, it was substituted by stipulation by a photostatic copy thereof in the Court records.

1 - Chicago (65-3451)(Enc-1)(Registered Mail
Return Receipt Requested)

MWC:IM

RECORDED - 50

65-59312-900

FEB 5 1954

15 FEB 9 1954

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: 2/3/54

FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, wa
ESP-R
PERJURY
(OO - New York)

Re Cleveland letter to Bureau, copy to New York, dated 5/13/53, which enclosed to the New York Office the following listed items:

1. 66 exhibit envelopes containing original notes of agents assigned to the surveillance of WILLIAM PERL
2. 58 serials numbered 1 through 59 (with the exception of serial 7 which duplicates information in serial 6) of Cleveland file 65-2730, sub B. These serials are the typed logs concerning the surveillance of WILLIAM PERL
3. Leave records of PERL from NACA, Cleveland
4. Personnel file of PERL from NACA, Cleveland

The above listed items are being returned to the Cleveland Office.

It is requested that items 1 and 2 above be retained in the Cleveland Office in the event they should be needed in the future for review in connection with instant subject or one of the related subjects in the ROSENBERG ring on which cases are still pending.

If the Cleveland Office so desires, items 3 and 4 may be returned to file at NACA, Cleveland. However, it is suggested that NACA be requested to retain them in an available place in the event they should be needed in the future in connection with the above cases.

For the information of the Cleveland Office, the appeal from the District Court conviction of the subject was argued in the CCA, 2nd Circuit, New York City, on 1/15/54. Decision is expected during the latter part of February 1954.

1 - Cleveland (Enc-4)(65-2730)(Registered Mail
Return Receipt Requested)

MWC:DM

FEB 9 1954

RECORDED-96

65-59312-901

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59312)

DATE: 2/3/54

FROM : SAC, NEW YORK (65-15387)

SUBJECT: WILLIAM PERL, wa
ESP-R
PERJURY
(OO - New York)

ReWFOlet 5/14/53, which enclosed to the New York Office various original material concerning WILLIAM PERL, which was obtained from Mr. Chester Holt, Room 212, Temporary D Building, Washington, D.C.

Enclosed to WFO with a copy of this letter are the following items which should be returned to Mr. Holt.

18 affidavits submitted to the NACA Loyalty Board including affidavit of WILLIAM PERL

Self-explanatory letter dated 9/1/50 to Chairman, Loyalty Review Board, CSC, from NACA

Copy of letter of allegations 4/5/50 to Mr. PERL from NACA, and original of his reply dated 4/22/50

Copy of letter 5/1/50 to Mr. PERL from NACA and his original reply of 5/9/50, forwarding executed questionnaire 5/9/50

WFO is advised that the original PSQ mentioned on page 1 of reflet which WFO requested Chicago to forward, was received at New York, used in the trial of instant case and has been returned to the Chicago Office for transmittal to AEC, Chicago.

WFO is further advised that the original NACA personnel file of WILLIAM PERL, mentioned in reflet, together with his original NACA Leave Record file was forwarded by the Cleveland Office for use at trial and has been returned to Cleveland for transmittal to NACA, Cleveland.

ReWFOlet 5/15/53 which enclosed to New York Office various certified copies of documents from the Passport Office, U.S. Department of State, concerning WILLIAM PERL. These items were turned over to the U.S. Attorney, SDNY, and have been returned to this office. Since these papers are only copies of originals, they are being retained in the New York Office.

WFO is advised that portions of the original CSC material returned herewith were made Government exhibits during trial of instant case and only recently were released to this office after a substitution stipulation was executed by Government and defense attorneys and ordered by the Court on 1/8/54.

1 - WFO (Enc-156)(65-5543)(Registered Mail)

Return Receipt Requested

FEB 5 1954

MWC:DM

731-73

65-59312-902

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: 2/11/54

FROM : A. H. BELMONT

SUBJECT: WILLIAM PERL
ESPIONAGE - R

2-11-54

Tolson	_____
Ladd	_____
Nichols	_____
Belmont	_____
Clegg	_____
Glavin	_____
Harbo	_____
Rosen	_____
Tracy	_____
Laughlin	_____
Mohr	_____
Winterrowd	_____
Tele. Rm.	_____
Holloman	_____
Gandy	_____

Supervisor Tom McAndrews of the New York Office called at 2:15 pm on February 11, 1954, to advise that the Circuit Court of Appeals in New York has unanimously upheld the Perl conviction. The Court was comprised of Judges Medina, Frank and Hincks.

For your information.

AEB:tlc

RECORDED 19

65-59312-903

FEB 15 1954

[Handwritten initials and signatures]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

FEB 11 1954

TELETYPE

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Jones	
Mr. Tracy	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WASH 13 FROM NEW YORK

11 854 P

DIRECTOR URGENT

REC-10
G.I.R. 10
MIGAN

WILLIAM PERL, WA., ESP-R, PERJURY. ^{Circuit Court - 2d Cir.} CCA, SECOND CIRCUIT, UNANIMOUSLY

AFFIRMED JUDGMENT OF CONVICTION CAPTIONED SUBJECT INSTANT DATE.

ELEVEN PAGE OPINION WRITTEN BY MEDINA. BRIEFLY, CONTENTION RE

AUTHORITY OF GJ FOREMAN TO ADMINISTER OATH DISPOSED OF SINCE CASE

CHIEFLY RELIED UPON BY APPELLANT /US VS. DUBROW/ REVERSED BY USSC.

ARGUMENT RE INCONSISTENCY OF VERDICT UNTENABLE BECAUSE OF JURY-S

OPINION OF EVIDENCE SUBMITTED RE EACH COUNT AND IN ANY EVENT QUOTE

EVEN IF THERE HAD BEEN SOME INCONSISTENCY BASED UPON A CONSIDERATION

OF THE EVIDENCE AS A WHOLE, THIS WOULD NOT ORDINARILY JUSTIFY A

REVERSAL UNQUOTE. NO MERIT IN CONTENTIONS EVIDENCE NOT SUFFICIENT

TO SUPPORT VERDICT OR THAT DEFENDANT DEPRIVED OF FAIR TRIAL BECAUSE

OF REFERENCES TO COMMUNISTS AND ESPIONAGE. DEFENDANT-S COUNSEL

REQUESTED GJ TESTIMONY BE RECEIVED IN EVIDENCE AND REQUESTED JUDGE

TO EXPLAIN IDENTITY OF JULIUS ROSENBERG AND DIRECTED QUESTIONS

RESULTING IN DENIAL BY PERL THAT HE WAS A COMMUNIST. COURT STATED

"THAT EVIDENCE FAR EXCEEDED MINIMUM REQUIRED TO SUPPORT

PERJURY CHARGE SEEMS CLEAR BEYOND SHADOW OF DOUBT." COURT STATED

MORE THAN AMPLE PROOF OF DEFENDANT-S ASSOCIATION WITH ROSENBERGS

AND PROOF OF DEFENDANT-S ASSOCIATION WITH ROSENBERGS AND PROOF

RE SOBELL OVERWHELMING INCLUDING DOCUMENTARY EVIDENCE. NO WAY

RECORDED 165-59312-904

FEB 16 1954

NOV 22 1960

PAGE TWO

COMMUNISM AND ESPIONAGE. MOREOVER, DEFENSE COUNSEL HIMSELF PRESSED REFERENCES TO COMMUNISM AND ESPIONAGE. OPINION STATED IN SUBSTANCE PERL-S TESTIMONY RE DISTRESS OF MIND CAUSED BY FBI INTERROGATION INDICATED PROBABILITY THESE UNFORGETTABLE INCIDENTS HAD REFRESHED HIS RECOLLECTION RE ROSENBERG AND SOBELL. OPINION STATED PERL-S TESTIMONY MAY WELL HAVE REMOVED ANY LINGERING DOUBTS IN MINDS OF JURORS., FURTHER THAT HIS MANY EVASIONS AND EQUIVOCATIONS MIGHT WELL HAVE SERIOUSLY EFFECTED CREDIBILITY. INDICTMENT DID NOT CHARGE PARTICIPATION IN ESPIONAGE AND CONTENTION PROSECUTION SHOULD SO PROVE LITTLE SHORT OF FRIVOLOUS. OPINION CONCLUDED QUOTE IT IS A DEPLORABLE FACT THAT THIS YOUNG MAN OF SUCH PROMISE AND ABILITY SHOULD HAVE BECOME SO ENMESHED IN THE TOILS AS TO WILFULLY TESTIFY FALSELY BEFORE A GJ OF THE US EMBARKED UPON AN INVESTIGATION OF SOVIET ESPIONAGE., BUT ON HIS RECORD, FREE FROM ANY TAIN OF ERROR, HE HAS JUSTLY BEEN FOUND GUILTY OF THAT OFFENSE UNQUOTE. PHOTOSTATIC COPY OF OPINION BEING FORWARDED BY LETTER.

KELLY

END ACK PLS

WA SSSSSSSSSSSSSSSSSSSSSSSSSSSSSSS

NY R 13 WA MLT

CC: MR. BELMONT
AND SUPERVISOR
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

DATE: 2/11/54

FROM : SAC, New York (65-15387)

SUBJECT: WILLIAM PERL, wa
ESP - R, PERJURY

Remytel 2/11/54 re decision this date of CCA, 2nd Circuit, affirming judgment of conviction for perjury of instant subject.

Enclosed herewith for Bureau files is one photostatic copy of this decision.

Encl. (1) (RM)

MWC:ek

Belmont

Pre
REC

RECORDED - 55

165-59312-905

FEB 18 1954

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R 25 NOV 22 1950

2 APR 26 1954

Q. And you know Julius Rosenberg?
A. No, I do not, to the best of my recollection.

Q. You are positive that you don't know either Ann Sidorenko or Michael Sidorenko?
A. Well, so far as my recollection can carry me, I am positive.

The jury found defendant guilty on counts one and three which concerned Sobell and Rosenberg, but acquitted on the counts relating to Helene Elitcher and the Sidorenkos from the judgment of conviction entered upon this verdict. Defendant appeals.

The indictment alleged that it was material to the grand jury to ascertain whether or not defendant knew or was associated with or had knowledge of the activities of Julius Rosenberg, Morton Sobell, Helene Elitcher, Ann Sidorenko and Michael Sidorenko, among others, in connection with an investigation of Soviet espionage.

The materiality of these questions was conceded by counsel for defendant, as well as the propriety of the grand jury to conduct this inquiry, and the fact that the defendant, the grand jury, administered the oath to defendant before he testified. But the sufficiency of the indictment to charge the crime of perjury is challenged on the ground that it fails to specify the law of the United States which authorized the oath to be administered, or the name or qualification of the person who administered the oath. Moreover, as the administration of such an oath is plainly provided for (18 U.S.C. § 377 and Rule of Criminal Procedure 6 (c)), the statute

(3) Q. And you know Julius Rosenberg?

A. No, I do not, to the best of my recollection.

Q. You are positive that you don't know either Ann Sidorovich or Michael Sidorovich?

A. Well, so far as my recollection carries me, I am positive.

The jury found defendant guilty on counts one and three which concerned Sobell and Rosenberg, but acquitted on the counts relating to Helene Fitcher and the Sidorovichs. From the judgment of conviction entered upon this verdict, defendant appeals.

The indictment alleged that it was material to an inquiry (before the Grand Jury) to ascertain whether or not the defendant knew or was associated with or had knowledge of the activities of Julius Rosenberg, Morton Sobell, Helene Fitcher, Ann Sidorovich and Michael Sidorovich, among others, in connection with an investigation by Soviet espionage.

The materiality of the questions was conceded by counsel for defendant, as well as the competency of the Grand Jury to conduct the inquiry, and the fact that the defendant, the Grand Jury administered the oath to defendant before he testified. But the sufficiency of the indictment to charge the crime of perjury is challenged on the ground that it fails to specify the law of the United States which authorized the oath to be administered, or the name or qualification of the person who administered the oath. Moreover, as the administration of such an oath is plainly provided for (18 U.S.C. 1503, 3771 and Rule of Criminal Procedure 6 (c)), the statute

...and is there any merit in the contention that the evidence was not sufficient to support the verdict and the defendant was deprived of a fair trial because of the references to Communism and espionage.

By way of background to a review of the proofs it would be useful to examine the substance of the defense on the merits and the charge of the trial judge from the beginning of the trial until the end. Counsel for defendant took the position that the sole issue was whether the defendant, in view of his background and experience, the kind of work he is doing, and his mental state or condition at the time, believed his answers to be true. Defendant was described by his counsel as a sort of young Einstein who knows physics and is in a distressed state of mind due to his interrogation by the FBI before he was subpoenaed to testify before the grand jury. Counsel also made the general point of defendant's own testimony at the trial which covered these facts in great detail and he described the interrogation he placed upon the questions when propounded to him before the grand jury. The counsel for defendant expressed in his summation defendant's mind is claimed to have worked in this fashion: "I want to do everything I can to help the government. I want to disassociate myself from these people, Rosenberg and Sobell, Barr and Saxe and the rest of the lot. Just as far as I truthfully can, as far as it truthfully can. I don't want to go to the extent of committing perjury or lying about it, because that certainly would interfere with physics." Counsel for defendant further stated: "My instruc-

tions were to concede everything. He wanted to get everything before the jury.

Thus it was defendant Brocasberg who requested that the entire testimony given by defendant before the Grand Jury be received in evidence. It was he who requested the trial judge to explain to the jurors who jury members was and it was he who brought out defendant's testimony that he was not and never has been a Communist, whilst pursuing the subject of Communism at considerable length in his cross-examination of one of the Government's witnesses relative to the affiliation of the witness with the Communist Party and an attempt by Brocasberg to get information from him for the Soviet Union.

The charge of the trial court was described by counsel for defendant as entirely fair, except that he preserved this point, which has already been discussed, that the oath was not administered pursuant to law, and the charge was in accordance with what counsel for defendant had been contending from the outset was the sole issue. It was as follows:

The issue of question with reference to each count is as to the defendant's belief at the time he testified. In analyzing the issue to be determined by you is not whether he did in fact meet or have contact with the individual or individuals named in a particular question, but whether he had met or had personal contact with that individual or individuals so frequently or so often or at such times and on such occasions, that he did in fact know the individual and remembered and identified the individual by name when he uttered his denials and so testified contrary to his knowledge and belief.

Also ask yourselves how did the defendant interpret and understand the questions put to him?

When he was asked "Do you know Morton Sobell?"
Sobell said "I know him by sight. I do not
know Julius Rosenberg." Did he understand those
questions in their common and accepted meaning
or did he understand the word "know" to mean
intimately acquainted with, or having close
association with? And did he then reply in
accordance with and not contrary to his belief
and understanding of what questions asked of him
were? In the questions put to the defendant were
honestly asked and understood by him to have a
different meaning from that which the interrogator
intended or as they are commonly understood
and you find that the defendant per answered
the questions truthfully as he interpreted them
and as he understood them and of that intent
according to his belief to falsify you must
acquit him.

That the evidence in this case is the minimum required
to support the perjury charge seems clear beyond shadow or doubt.
Julius Rosenberg and Sobell were classmates of defendant
Morton Sobell. Defendant received the degree Bachelor of
Engineering in 1938 and Master of Electrical Engineering in
1940. Sobell and Rosenberg also took the courses in electrical
engineering. The Assistant Registrar of the college produced
records which showed that defendant and Sobell were in the
same class and section for both courses with sections of
approximately seven students, meeting as often as three times a
week. He was also in the same class and section as Rosenberg
for two courses, one of which had only four other students and
met three times a week, the other with twenty students meeting
once a week. There was also testimony by several college mates of
defendant who were on intimate terms with him and who saw him
and Julius Sobell and Rosenberg in the lunchroom and in the
building at 1001 Avenue of the Americas, New York, New York, at
least once a week.

they woke up in Sarant's apartment and there was more talk for another half hour. Rosenberg and defendant were with the group from the time defendant met them on the street until the party broke up and they left Sarant's apartment.

The two witnesses also testified concerning a meeting in 1944 when this occasion the witnesses met Rosenberg outside of the apartment house where Sarant lived on North Street and they walked to a restaurant about a block away where they met defendant and Barr, who were waiting for them. They were soon joined by Sobell and his wife. After dinner they proceeded to Rosenberg's apartment in Tucker Park and there were joined by Rosenberg's wife. On this occasion defendant, Sobell, and Rosenberg and Sobell's wife were present the entire evening. There was a breakfast table set out in the apartment.

While there was more than ample proof of defendant's association with Rosenberg in the proof of his relationship with Sobell was overwhelming and included documentary evidence in the form of letters by an defendant's hand writing which were sent to Sobell and his wife. Some of these letters were not only by one document but by some of the testimony of defendant given in a case filed in the same court. Defendant and Sobell were for many years partners in intimacy and friendship.

This evidence in the trial was made available to the other party and the case is the only one approved by the court and the case is made available to the public and of the court in the evidence all questions of the evidence.

For the reasons stated defendant was found guilty of the crime and on any more substantial grounds.

...in which the case would be tried without prejudice
of Communist, Fascist, Communist and Pro-Spionage. The prosecutor
...in fairness and they tried to get at
...and keep the
...issue unclouded. This fairness was the subject of
...comment by counsel for defendant on several occasions and this
...was completely justified.

Moreover, the prosecutor, defendant and witness
...and references to Communist
...and espionage as they were directly with the defense.
...defendant's state of mind when he testified before the
...jury. As above stated, it was defense counsel who
...specifically requested that the entire testimony of defendant
...be placed in evidence. Thus there came
...into evidence the fact that shortly prior to his marriage
...defendant had been repeatedly informed
...concerning the relationship of his former wife
...and the fact that she had been a Communist Party member
...in August, 1950.
...was visited at his apartment in Cleveland by Vivian Cassman
...and she recognized the defendant as being Barr. She was aware
...of the fact that she was engaged in various activities of some
...kind. Defendant told the Grand Jury that she took notes on
...paper and wrote down some instructions. She had memorized
...the exact date she had money for the defendant's health
...Mexico with some mention of Moscow. He said he thought
...it was a trap and that possibly it Communist Party versus some
...and Washington. Defendant, however, destroyed the
...paper and said nothing about the incident to the FBI for
...several days after he had completed a lawyer.

His testimony at the trial he described his distress of mind caused by the FBI interrogation and said the FBI's strong emphasis to me that Rosenberg and Sobell faced the death penalty horrified and shocked me.

But the fact that he had been interviewed by the FBI about Rosenberg and Sobell, and had been visited by William Glushko who first made some reference to Rosenberg, just previous to his appearance before the grand jury, bore not only on his defense with respect to his state of mind, but also on the probability that these unforgettable incidents had refreshed his recollection on the subject of his past relations with Rosenberg and Sobell.

His testimony again by Harshbarger at the trial may well have removed any lingering doubts in the minds of the jurors. They may have inferred that he knowingly withheld the Morton Street apartment in his statement of previous addresses to the United States Customs Entry Commission in filling out his personal security questionnaire. This, and many other evasions and equivocations, might well have seriously affected his credibility. Certain it was that he subleased this same apartment from Sarant, lived there for a substantial period of time, and gave it as his voting residence in 1947 and 1948. Moreover, no less than nine money orders were sent to Sarant in payment of rent, and on each demand gave his address as 65 Morton Street, Apartment 4-C, New York 17, N.Y.

A few miscellaneous alleged questions of law merit no extended discussion. The indictment did not charge defendant with participation in any espionage and the claim that it was incumbent on the prosecution to prove that he was associated with or had knowledge of the espionage activities of Rosenberg

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Main body of handwritten notes, heavily obscured by noise and grain. Two circular punch holes are visible at the top.

<p>Handwritten notes in the bottom-left quadrant, including the number '604' and other illegible characters.</p>	<p>Handwritten notes in the bottom-center quadrant, including the number '10/17' and other illegible characters.</p>	<p>Handwritten notes in the bottom-right quadrant, including the number '10/17' and other illegible characters.</p>
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United States

Court of Appeals

SEC. 1

SEC. 2

Handwritten signature

OPINION

UNITED STATES



SAC, New York (65-15387)

February 18, 1954

~~TOP SECRET~~

Director, FBI (65-39818)

WILLIAM PERL, wa.
ESPIONAGE - R
PERJURY

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF [redacted]
DATE [redacted]

[redacted]

Inasmuch as the subject's appeal to the Circuit Court of Appeals from his perjury conviction was denied, you are instructed to contact the United States Attorney, Southern District of New York, to determine the legal moves which have been taken by Perl to further appeal his case. [redacted]

You are also instructed to contact Henrietta Scuidge Perl, wife of the subject, in an effort to develop information through her concerning Perl's present state of mind. If deemed advisable by the interviewing agent, it should be determined from her if Perl would cooperate if interviewed. (u)

Following the completion of the above investigative steps you are instructed to submit a recommendation concerning the advisability of having an agent of the New York Office familiar with all details of the instant case interview Perl at the Terre Haute Penitentiary. (u)

JPL:blb

NOTE: [redacted]

[redacted] Perl on October 20, 1953, on the charges of perjury in saying that he knew Rosenberg and Sobell. Sentenced to 5 years on each count in May, 1954. Circuit Court of Appeals on 8-11-54, denied appeal from his conviction. [redacted]

RECORDED
EX - 118

65-59312-906

2 APR 23 1954

COMM - FBI
FEB 19 1954
MAR 21 1954

~~TOP SECRET~~

Classified by 41915
Exempt from GDS, Category 1
Date of Declassification Indefinite

- Alison
- Add
- Belmont
- Callahan
- Conrad
- DeLoach
- Evans
- Malone
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

SAC, New York (65-11307)

March 2, 1954

Director, FBI (65-59812)

WILLIAM J. ...

Reurlet 11-27-53, advising that the appeal of the subject from his perjury conviction is being followed and that the Bureau would be kept advised of developments.

You are instructed to submit a report incorporating the results of the decision of the subject's appeal and other investigation conducted to date. This report should reach the Bureau by 3-15-54.

JIL:blt *blt*

RECORDED-65-59812-907

RECEIVED
MAR 3 1954

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gearty _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Miss Gandy _____

COMM - FBI
 MAR 3 1954
 MAILED 31

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

FPG

REPORT MADE AT NEW YORK	DATE WHEN MADE MAR 18 1954	PERIOD FOR WHICH MADE 3/1,10,12/54	REPORT MADE BY JOHN A. HARRINGTON
TITLE WILLIAM PERL, was.		CHARACTER OF CASE ESPIONAGE - R; PERJURY	

SYNOPSIS OF FACTS:

On 2/11/54 Court of Appeals, Second Circuit, affirmed conviction of subject for perjury in District Court. PERL did not request a re-hearing and as of 3/12/54 his attorneys were undecided as to whether they would move in the Supreme Court for a writ of certiorari. Opinion of Circuit Court set forth in brief.

*cc - OSI by decision
GPL - AW
12/1/54*

- P -

DETAILS:

Prosecutive Action in the Court of Appeals

Assistant United States Attorney JAMES B. KILSHEIMER, III, Southern District of New York, advised that the request of PHILIP WITTENBURG, attorney for PERL, that the time for PERL to file his appeal brief in the Court of Appeals, Second Circuit, was extended to November 16, 1953. This brief was filed on November 16, 1953 and raised four points:

1. Proof of the ROSENBERG and SOBELL counts terminate with the Christmas 1946 party at the Blue Mill Restaurant and was no proof that PERL knew ROSENBERG and SOBELL in 1950 when he testified before the Grand Jury.

AGENCY RAB
 REQ. REC'D _____
 DATE FORW. 3-25-54
 HOW FORW. R/S
 BY JFA

APPROPRIATE AGENCIES
 AND FIELD OFFICES
 ADVISED BY ROUTING
 SLIP (S) OF declass
 DATE AP/mn 3-23-78

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

ENCLOSURE DO NOT WRITE IN THESE SPACES

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- 1-USA, SDNY
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- 3-New York (65-15387)

(R) 65-59312-908
 (RI) MAR 28 1954
 12

RECORDED 4

EX-104

PROPERTY OF FBI—This confidential report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned.

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R 88 NOV 22 1960

DECLASSIFIED BY 4913
 ON 3-21-78
 AP/osa

~~CONFIDENTIAL~~

*1-16-79 79 5/15/54 memo
 JFA not will be
 JFA alt. 5-28-54 11/15/54*

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NY 65-15387

2. That indictment asserted PERL knew or had knowledge of the activities of ROSENBERG and SOBELL in connection with Soviet espionage and evidence at trial related to innocuous common-place incidents not related to espionage.

3. Multiplicity of indictment denied further trial in that four counts involved five people on three of whom PERL was acquitted. This had come to light with the juries. There was reversible error in trial courts denial on motion to dismiss indictment in that same failed to set forth essential elements of crime of perjury.

On January 15, 1954 oral argument was heard in the Court of Appeals for the Second Circuit. The bench composed of Judges FRANK, MEDINA and HINCKS. Oral argument of PERL followed the argument as set forth in this appeal brief.

On February 11, 1954 this Court of Appeals unanimously affirmed the judgment of conviction in an eleven page opinion written by Judge MEDINA. The Court upheld the authority of the Grand Jury foreman to administer oaths in Grand Jury proceedings. Opinion stated that PERL'S argument regarding the inconsistency of the verdict of the jury was untenable because of the jury's opinion of the evidence submitted on each count and even if there had been some inconsistency based upon a consideration of evidence as a whole, this would not justify a reversal. The opinion stated there was no merit in the argument that the evidence was not sufficient to support a verdict of guilty on that PERL was deprived of a fair trial because of references to Communism and espionage.

The opinion pointed out that PERL'S trial counsel requested the Grand Jury's testimony of PERL be received in evidence and requested the Judge to explain the identity of JULIUS ROSENBERG and directed questions resulting in denial by PERL that he was a Communist. Court held opinion but stated there was more than ample proof of PERL'S association with ROSENBERG and overwhelming proof of his association with HORTON SOBELL, including documentary evidence.

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1-Cleveland (65-2730) (Info)	RM
1-Indianapolis (Info)	RM
1-Los Angeles (65-5075)(Info)	RM
1-Newark (65-4100) (Info)	RM
1-Norfolk (65-514) (Info)	RM
1-San Francisco (Info)	RM

NY 65-15387

Opinion further stated that PERL'S testimony concerning his distress of mind caused by Federal Bureau of Investigation interrogation indicated the probability that these unforgettable incidents had refreshed his recollection regarding ROSENBERG and SOBELL. The opinion further stated that PERL'S testimony may itself have removed any lingering doubts in the minds of the jurors, and that his many evasions and equivocations may have seriously affected his credibility.

The opinion stated that the indictment did not charge participation in espionage and the contention that the prosecution should prove so was little short of frivolous. The opinion concludes:

"It is a deplorable fact that this young man of such promise and ability should have become so emeshed in the toils as wilfully to testify falsely before a Grand Jury of the United States embarked upon an investigation of Soviet espionage; but on this record, free from any taint of error, he has been justly found guilty of that offense."

PERL had fifteen days to apply in the Circuit Court for a rehearing. This he failed to do. The usual time to appeal to the Supreme Court for a writ of certiorari is thirty days from the date of the opinion in the Court of Appeals. As of March 12, 1954, PERL had made no effort to certify the record of the Court of Appeals which is a primary requisite to appealing to the Supreme Court.

On March 1, 1954 the mandate of the Court of Appeals was filed in the District Court.

On March 10, 1954 Assistant United States Attorney KILSHEIMER served on the attorneys of PERL a proposed order which in effect makes the mandate of the Court of Appeals the final order in the District Court. PERL'S attorneys did not object to this order and it was signed on March 12, 1954 by Judge HENRY W. GODDARD.

Assistant United States Attorney KILSHEIMER on March 12, 1954 advised he had been informed by IRVING LIKE, associated with PHILIP WITTENBURG, that a final decision had not been made as to whether PERL would appeal to the Supreme Court or not. He stated it was unlikely that such appeal would be made by PERL, but that final decision would be made in the near future.

NY 65-15387

ADMINISTRATIVE PAGE

LEADS

NEW YORK

At New York, New York

Will follow and report any further legal ^{MOVES} made by PERL either in the Supreme Court or in the Circuit Court.

see file 1-2-55
Upon receipt of Bureau authority, will interview Mrs. HENRIETTA SAVAGE PERL at Spring Valley, New York, and upon completion of this interview, will interview WILLIAM PERL at the United States Penitentiary, Terre Haute, Indiana.

REFERENCE: Report of SA MAURICE W. CORCORAN, 8/24/53, at New York.

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

FPG

REPORT MADE AT NEW YORK	DATE WHEN MADE MAR 18 1954	PERIOD FOR WHICH MADE 3/1, 10, 12/54	REPORT MADE BY JOHN A. HARRINGTON
TITLE WILLIAM PERL, was.			CHARACTER OF CASE ESPIONAGE - R; PERJURY

SYNOPSIS OF FACTS:

On 2/11/54 Court of Appeals, Second Circuit, affirmed conviction of subject for perjury in District Court. PERL did not request a re-hearing and as of 3/12/54 his attorneys were undecided as to whether they would move in the Supreme Court for a writ of certiorari. Opinion of Circuit Court set forth in brief.

- P -

DETAILS: Prosecutive Action in the Court of Appeals

Assistant United States Attorney JAMES B. KILSHEIMER, III, Southern District of New York, advised that the request of PHILIP WITTENBURG, attorney for PERL, that the time for PERL to file his appeal brief in the Court of Appeals, Second Circuit, was extended to November 16, 1953. This brief was filed on November 16, 1953 and raised four points:

1. Proof of the ROSENBERG and SOBELL counts terminate with the Christmas 1946 party at the Blue Hill Restaurant and was no proof that PERL knew ROSENBERG and SOBELL in 1950 when he testified before the Grand Jury.

APPROVED AND FORWARDED: <i>ajk</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 5-Bureau (65-59312) (RM) 1-USA, SDNY (RM) COPIES CONTINUED NEXT PAGE 3-New York (65-15387)			

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~~CONFIDENTIAL~~

DECLASSIFIED BY 4913
ON 3-21-78
R/102a

SAC, New York (65-18837)

March 26, 1954

~~TOP SECRET~~

RECORDED - 4

Director, FBI (65-59312)

EX - 108

WILLIAM PERL, was.
ESPIONAGE - R
PERJURY

Reurlet 3-18-54, requesting advice of the Bureau concerning the contacting of Mrs. Perl and the subject without notification to their attorney. (u)

Inasmuch as the Assistant United States Attorney, Southern District of New York, has stated such notification to their attorney is not necessary, you should interview Mrs. Perl without consulting her attorney. This interview should be for the purpose of developing information concerning the present state of mind of the subject; however, if Mrs. Perl proves to be antagonistic, no discussion relative to interviewing her husband should take place. (u)

Following the above interview in accordance with the recommendation in reflet, SA John A. Harrington of the New York Office should proceed to Terre Haute, Indiana, and in company with an agent of the Indianapolis Office interview the subject.

[REDACTED]

The Bureau and the Indianapolis office should be advised in advance of SA Harrington's departure in order that arrangements for the interview may be made at the penitentiary at Terre Haute. The Bureau should be promptly advised of the results of these interviews. (u)

cc - 3 - Indianapolis

JPL:blb

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Nease
- Gandy

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP (5) OF DATE

65-59312-908

Classified by 4913
Exempt from GDS, Category 2
Date of Declassification Indefinite

APR 9 1954

~~TOP SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)
ATTENTION: ASSISTANT DIRECTOR ALAN H. BELMONT
FROM : SAC, New York (65-15387)
SUBJECT: WILLIAM PERL, was.
ESPIONAGE - R; PERJURY

DATE: 3/18/54

TOP SECRET

Reference is made to Bureau letter dated 2/18/54.

On 3/3/54 AUSA JAMES B. KILSHEIMER, III, advised that he spoke to IRVING LIKE, associate of PHILIP WITTENBURG, concerning the appeal of the subject to the Supreme Court.

At that time LIKE advised that conferences were being held with HENRIETTA SAVAGE PERL concerning this matter and LIKE agreed to advise Mr. KILSHEIMER of the outcome of these conferences.

Mr. KILSHEIMER, in the absence of any information from Mr. LIKE, called LIKE on 3/12/54 and was advised that they were still considering whether PERL would appeal to the Supreme Court.

Report of SA JOHN A. HARRINGTON, dated 3/18/54, five copies of which are forwarded to the Bureau and one copy to Indianapolis for information, reflects that PERL'S time to file for the Supreme Court elapsed as of 3/12/54. Thus, at this time for all purposes PERL'S legal actions have terminated and as far as the courts are concerned there are no appeals or any other applications pending in any court on behalf of PERL.

Concerning the Bureau's request that PERL'S wife be contacted to develop information concerning PERL'S present state of mind, NY concurs it is the opinion of NY now that regardless of what information may be secured from PERL'S wife that PERL be interviewed in Terre Haute Penitentiary.

The Bureau was informed that during the trial of PERL Mrs. PERL was in daily contact with agents assigned to the trial and displayed a definitely antagonistic attitude towards the agents and the government. Thus, it is possible that she will not be very cooperative.

The bureau's attention is directed to the fact that in 1950 and 1951 PERL was thoroughly interviewed by agents in an effort to obtain his cooperation without success. PERL now knows since his trial the extent of the government's case against him as far as his relations with ROSENBERG and SOBELL. It is believed that PERL will settle for his five years on a perjury count and would

REGISTERED MAIL

Encs. (5)

1 - Indianapolis (Info)

JAH:fpj

104

65-59312-908

MAR 29 1954

RECORDED - 4

INDEXED - 4

TOP SECRET

Classified by: 4913
Exempt from GDS, Category 2
Date of Declassification Indefinite

28 NOV 22 1960

ADVISE ROUTING SLIP TO DATE

Handwritten initials and notes in top right corner.

Handwritten number '41' in the middle right area.

Handwritten initials 'WJ' below the '41'.

Vertical stamp or handwritten notes on the right edge of the page.

~~TOP SECRET~~

Letter to Director
NY 65-15387

not cooperate and run the risk of talking himself into a longer term unless he can be convinced that his position is untenable. (u)

[REDACTED] b1

KILSHEIMER has advised that once a trial or legal proceedings have been terminated in court, it would be proper for an agent to interview PERL or his wife without the consent or knowledge of PERL'S attorneys. (u)

It is requested that the Bureau advise NY of its opinion in this matter and whether or not Mrs. PERL and PERL should be interviewed without notifying PHILIP WITTENBURG, their attorney. (u)

Upon receiving the Bureau's decision, SA JOHN A. HARRINGTON will interview HENRIETTA SAVAGE PERL and thereafter will interview PERL. (u)

[REDACTED] b1

~~TOP SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: March 26, 1954

~~TOP SECRET~~

FROM : W. A. Branigan

Classified by 4913
Exempt from GDS, Category 2
Date of Declassification Indefinite
AP/ha 3-27-78

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo
- Miss Gandy

SUBJECT: WILLIAM PERL, was.
ESPIONAGE - R
PERJURY

[REDACTED]

Perl was indicted for perjury for false statements made to Federal Grand Jury in the Southern District of New York in September, 1950, and on 5-22-53, was convicted on two counts of perjury covering his denial of knowing Rosenberg and Morton Sobell, convicted espionage agent. Perl was sentenced to five years on each count to run concurrently and is now in Federal Penitentiary, Terre Haute, Indiana. On 2-11-54, the Circuit Court of Appeals, Second Circuit, affirmed the subject's perjury conviction. [TS]

By letter dated 2-18-54, the New York Office was instructed to determine from the United States Attorney, Southern District of New York, the legal action taken by Perl following the Circuit Court decision and to consider contacting Mrs. Perl and following that to submit a recommendation for the reinterview of Perl. You will recall that in November, 1953, the McCarthy Committee received newspaper publicity indicating Perl would be interviewed; no such interview was conducted. [U]

By letter dated 3-18-54, the New York Office advised Perl's time to appeal the United States Supreme Court expired 3-12-54, and that Assistant United States Attorney Kilsheimer stated since legal proceedings were completed it would be proper for agents to interview Mr. and Mrs. Perl without consent of their attorney.

[REDACTED]

[REDACTED]

RECORDED - 10

65-59312-909

Attachment sent 3-29-54
65-59312
JPL:blb

~~TOP SECRET~~

~~TOP SECRET~~

It is believed New York should be instructed to interview Mrs. Perl. It is noted that she has been interviewed in the past and, prior to the trial of her husband, was cordial during such interviews. However, during the trial she displayed a definitely antagonistic attitude toward Bureau agents who were in daily contact with her. Following her interview an agent from the New York Office should proceed to Terre Haute, Indiana, to interview Perl in order that no possibility is overlooked in an effort to obtain his cooperation.

ACTION:

There is attached for your approval a letter to the New York Office instructing that Mrs. Perl be interviewed in New York and following that, an agent of the New York Office proceed to Terre Haute, Indiana, to interview the subject.

~~TOP SECRET~~

Mr. Tolson	
Mr. Boardman	✓
Mr. Nichols	
Mr. Belmont	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

WASH 24 25 FROM NEW YORK 2 300 P
 DIRECTOR URGENT

BRANIGAN

WILLIAM PERL, WAS. ESP - R. MRS. PERL ADVISED TODAY THAT SHE DOES NOT WISH TO BE INTERVIEWED EXCEPT IN THE PRESENCE OF HER ATTORNEY, PHILIP WITTENBERG, OF SEVENTY WEST FORTIETH ST., NYC. SHE ADVISED SHE WILL BE AVAILABLE FOR INTERVIEW ON THE FIFTH OR SIXTH, NEXT, G. I. R. AT HER ATTORNEY-S OFFICE. UNLESS ADVISED TO THE CONTRARY, BY BUREAU, NYO WILL NOT INTERVIEW MRS. PERL, BUT WILL PROCEED WITH THE INTERVIEW OF PERL AT TERRE HAUTE. SA JOHN A. HARRINGTON WILL DEPART NYC ON APRIL FIVE, NEXT, AT SEVEN TWENTY FIVE PM, VIA NY CENTRAL RAILROAD, SOUTH WESTERN LIMITED, CAR ONE ONE TWO. WILL APRIVE TERRE HAUTE TWELVE FIFTY PM, APRIL SIX, NEXT. INDIANAPOLIS REQUESTED TO ARRANGE FOR INTERVIEW OF PERL AT PENITENTIARY IN PRIVATE ROOM AWAY FROM OBSERVATION OF INMATES AND PERSONNEL OF PENITENTIARY. THIS INTERVIEW WILL COMMENCE SHORTLY AFTER ONE PM, APRIL SIX, NEXT. IN EVENT PERL IS NOT COOPERATIVE ON THE SIXTH, SA HARRINGTON WILL REMAIN OVERNIGHT IN TERRE HAUTE, AND AGAIN INTERVIEW PERL ON THE MORNING OF APRIL SEVEN, NEXT. BUREAU WILL BE KEPT ADVISED OF RESULTS OF INTERVIEW.

KELLY

RECORDED - 76
 EX-129
 Mr. Belmont

APR 7 1954

INDIANAPOLIS ADVISED
 52 APR 15 1954
 HOLD PERS

65-59312-910

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

APR 5 1954

TELETYPE

Mr. Tolson	
Mr. Boardman	
Mr. Belmont	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Rm.	
Mr. Holloman	
Miss Gandy	

JEF

FBI, INDIANAPOLIS

4-6-54

3-50PM CST

DIRECTOR, FBI AND SAC, NEW YORK

URGENT

WILLIAM PERL, WAS., ESP. - R. PERL WAS CONTACTED TODAY AT TWO PM AT PENITENTIARY AT TERRE HAUTE. HE REFUSED TO BE INTERVIEWED.

SA JOHN A. HARRINGTON RETURNING NEW YORK FOUR PM VIA NYC RR KNICKERBOCKER. ARRIVE NEW YORK ELEVEN FIFTEEN AM, APRIL SEVEN NEXT.

G.I.R.-1

BLAYLCOK

END AND ACK PLS

4-54 PM OK FBI WA PC

OK FBI NYC JFM

RECORDED-75

Mr. Belmont

APR 8 1954

APR 14 1954
TU DI

BRANIGAN

-65-59312-911

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

DATE: April 29, 1954

FROM : SAC, Indianapolis (65-2212)

SUBJECT: WILLIAM PERL, was.
ESPIONAGE - R
PERJURY

Reference Bulet to New York, 3/26/54 and Indianapolis teletype to Bureau and New York, 4/6/54.

This is to advise that SA LEO E. FORD, who maintains liaison with the United States Penitentiary, Terre Haute, Indiana, has maintained constant contact with the Warden of that institution, PAUL J. MADIGAN, since the subject was interviewed by SA JOHN HARRINGTON of the New York Division and SA FORD on April 6, 1954, at Terre Haute.

MADIGAN advised that WILLIAM PERL has had no visitors nor has he made an effort to contact anyone outside that penitentiary since the above-mentioned visit with the exception of his wife. MADIGAN, who has been extremely cooperative in matters pertaining to the Bureau, stated that he personally has reviewed every bit of communication, either incoming or out going from the subject, and has not detected any effort of PERL to contact an attorney or attempt to get a hidden message to anyone. MADIGAN advised that he will continue to give personal, close scrutiny to all communications of the subject, and should he detect any bit of information that would be of value, he would immediately contact this office. MADIGAN stated this "extra" censorship has no effect on regular mail routine.

RUC

LEF/nrg

REGISTERED MAIL

1-New York (65-15387) (RM)

65-59312-912

3 MAY 13 1954

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

FROM : SAC, New York (65-15387)

SUBJECT: WILLIAM PERL, was
ESPIONAGE - R
PERJURY

DATE: 5/12/54.

Re Indianapolis let to NY, 4/29/54.

It is requested that Indianapolis advise whether PERL in his letters to his wife has advised her of the visit of SAS LEO E. FORD and JOHN A. HARRINGTON to him on April 6, 1954, and further whether Mrs. PERL has advised subject in her communications of the tentative appointment that she had with SA JOHN A. HARRINGTON on 4/2/54.

RM

2 - Indianapolis (65-2212) (RM)

RECORDED - 25
EX-127

65-59312-913

JAH:RLW

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59312)

DATE: May 26, 1954

FROM : SAC, Indianapolis (65-2212)

SUBJECT: WILLIAM PERL, was
ESPIONAGE - R
PERJURY

Re New York letter to the Bureau dated May 12, 1954.

Warden PAUL J. MADIGAN, United States Penitentiary, Terre Haute, Indiana, who personally reviews all communications either received or sent by the subject, advised that the subject has made no comment of any kind in his letters concerning the visit he had with SAs JOHN A. HARRINGTON and LEO E. FORD on April 6, 1954. MADIGAN stated that the subject's wife has not made mention of any tentative appointment that she might have had with SA JOHN HARRINGTON on April 2, 1954.

Warden MADIGAN stated that he will continue to personally review subject's communications until advised there no longer remains a need to do so. It is requested that the New York Division promptly advise Indianapolis when they no longer determine that reviewing subject's mail is of any value. RUC.

LEF/bse

RM

2 - New York (65-15387) (RM)

RECORDED - 7

65-59312-914

FEDERAL BUREAU OF INVESTIGATION

CONFIDENTIAL

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

REPORT MADE AT NEW YORK	DATE WHEN MADE MAY 27 1954	PERIOD FOR WHICH MADE 3/30, 31; 4/1, 5-5/26/54	REPORT MADE BY JOHN A. HARRINGTON
TITLE WILLIAM PERL, was		CHARACTER OF CASE ESPIONAGE - R; PERJURY	

SYNOPSIS OF FACTS:

PERL did not appeal to the Supreme Court. His wife refused to be interviewed except in the presence of her attorney. On 4/6/54 PERL refused to be interviewed by agents at the penitentiary at Terre Haute, Indiana. Informant reports that PERL'S brother SAMUEL has returned to the United States.

AGENCY RAB
 REQ. REC'D _____
 DATE FORW. 6-10-54
 HOW FORW. R/S
 BY JPL

DETAILS:

Assistant United States Attorney JAMES A. KILSWEINER, Southern District of New York, advised on March 30, 1954 that PERL did not make an application to the Supreme Court for a writ of certiorari. He also advised that PERL had failed to make an application for a re-hearing to the Court of Appeals in the Second Circuit. AUSA KILSWEINER advised that there were no proceedings in any court to his knowledge on behalf of PERL and that PERL and his wife could be interviewed without consent or knowledge of PERL'S attorney.

Mrs. PERL was contacted in Spring Valley, New York, and agreed to be interviewed by the writer on

ADVISE ALL FIELD AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF declared

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APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
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60 JUN 10 1954

DECLASSIFIED BY 4913
 ON 3-27-78
 APJ/bja

CONFIDENTIAL

0-12-74 7-18-54
 Rpt sub 7-20-54
 [Handwritten notes]

~~CONFIDENTIAL~~

NY 85-15387-1

April 2, 1954 at 1:00 pm

~~MR. WILLIAM PERL~~

On the morning of April 2, 1954, Mrs. HENRIETTA PERL, telephonically contacted the writer and advised that she did not wish to be interviewed except in the presence of her Attorney PHILIP WITTENBERG, 70 West 40th Street, New York City. She advised she would be available for this interview on the 5th or 6th of April, 1954 at her Attorney's Office. She was not interviewed. NY

On April 6, 1954 SA LEO E. FORD of the Indianapolis Office, and the writer visited PERL at the penitentiary at Terre Haute for the purpose of interviewing him. When PERL was brought into the presence of the agents he refused to sit down, refused to be interviewed, said nothing and merely shook his head. The writer advised PERL that he wished to discuss some matters with him and PERL did not have to make any statements. PERL shook his head, turned away from the agents and walked away.

On May 26, 1954, T-1, of known reliability, advised that he had received information that SAMUEL PERL, brother of subject, had returned to the United States. NY

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- 2 Indianapolis (65-2212) (RM)
- 1 Los Angeles (65-5075) (Info.) (RM)
- 1 Newark (65-4000) (Info.) (RM)
- 1 Norfolk (65-514)
- 1 San Francisco (Info.)

-2-

~~CONFIDENTIAL~~

NY 65-15387

ADMINISTRATIVE PAGE

ADMINISTRATIVE PAGE

INFORMANT

Source	Date of Activity	Date Received	Agent Receiving	Location	Instant report
T-1 E. FRED SWEET, Chief, Probation Officer, US District Court	Information re SAMUEL PERL	5/26/54	JOHN A. HARRINGTON		Instant report

LEADS

ALBANY, CLEVELAND, LOS ANGELES, NEWARK, NORFOLK, SAN FRANCISCO (INFORMATION)

One copy of this report is being forwarded to all offices listed in accordance with Bureau instructions and the fact that these offices have performed investigation in this case in the past.

INDIANAPOLIS

At Terre Haute, Indiana

Will review with the Warden, correspondence between PERL and his wife, his mother and father, and his brother SAMUEL for the purpose of attempting to determine the attitude of these people and to report same to the Bureau and New York. Purpose of this lead will be to enable the Bureau and New York to determine whether Mr. and Mrs. ABRAHAM MUTTERPERL, subject's parents, and SAMUEL PERL, his brother, should be interviewed.

Will advise of the current mail address of Mrs. HENRIETTA PERL, subject's wife, and will advise of any change of address in the future.

NY 65-15387

NY 65-15387

ADMINISTRATIVE PAGE (CONT'D)

LEADS (CONT'D)

NY, NY

ADMINISTRATIVE PAGE (CONT'D)

LEADS (CONT'D)

New York, New York

NEW YORK

At New York, New York, New York State District Court, Southern District of New York, New York, NY.

Will review subject's file with Mr. E. J. FRED SWELT, Chief Probation Officer, United States District Court, Southern District of New York, for any information reflecting interviews by probation officers with Mr. and Mrs. ABRAHAM MUTTERPERL and SAMUEL PERL. Upon receipt of this information and the information from Indianapolis, will submit recommendations to the Bureau regarding interviews of Mr. and Mrs. ABRAHAM MUTTERPERL and SAMUEL PERL. 7/4, NY.

REFERENCE:

Report of SA JOHN A. HARRINGTON, 3/18/54, NY.

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

FORM NO. 1
THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

REPORT MADE AT NEW YORK	DATE WHEN MADE MAY 27 1954	PERIOD FOR WHICH MADE 30, 31; 4/1, 5-5/26/54	REPORT MADE BY JOHN A. HARRINGTON - MV
TITLE WILLIAM PERL, was			CHARACTER OF CASE ESPIONAGE - R; PERJURY

SYNOPSIS OF FACTS:

PERL did not appeal to the Supreme Court. His wife refused to be interviewed except in the presence of her attorney. On 4/6/54 PERL refused to be interviewed by agents at the penitentiary at Terre Haute, Indiana. Informant reports that PERL'S brother SAMUEL has returned to the United States.

- P -

DETAILS:

Assistant United States Attorney JAMES A. KILSWEINER, Southern District of New York, advised on March 30, 1954 that PERL did not make an application to the Supreme Court for a writ of certiorari. He also advised that PERL had failed to make an application for a re-hearing to the Court of Appeals in the Second Circuit. AUSA KILSWEINER advised that there were no proceedings in any court to his knowledge on behalf of PERL and that PERL and his wife could be interviewed without consent or knowledge of PERL'S attorney.

Mrs. PERL was contacted in Spring Valley, New York, and agreed to be interviewed by the writer on

DECLASSIFIED BY 4913
ON 3-21-79 RP/BA

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
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FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT **NEW YORK**

REPORT MADE AT INDIANAPOLIS	DATE WHEN MADE 7/15/54	PERIOD FOR WHICH MADE 6/14, 17, 18; 7/7/54	REPORT MADE BY LEO E. FORD <i>pjh</i>
TITLE WILLIAM PERL, was.		CHARACTER OF CASE ESPIONAGE - R; PERJURY	

SYNOPSIS OF FACTS:

T-1, an employee of another Governmental Agency, advised that in recent months the subject has had no correspondence with his parents.

Subject's brother, SAMUEL PERL, has sent only two letters in recent months to subject and has made no mention of subject's plight. Communications between subject and wife mention only immediate family problems, however, there appears to be friction between subject's wife and his mother.

AGENCY _____
 REVD BY _____
 DATE _____
 HQ FILE NO. _____
 BY _____

- R U C -

FEDERAL AGENCIES
 ADVISED BY ROUTING
 SLIP(S) ATTACHED
 SERIAL NO. _____
 DATE _____

DETAILS: Confidential Informant T-1, an employee of another Governmental Agency, advised that he personally reviews all communications received or sent by the subject. He stated that in recent months the subject has received no letters or communications from his parents. T-1 stated that the subject and his brother SAMUEL correspond only occasionally. He stated that SAMUEL PERL has written only two letters to WILLIAM PERL in the past three or four months and the letters made no mention of subject's plight, sentence or future. He stated that the only topic mentioned was the details of SAMUEL's recent marriage. T-1 stated that from SAMUEL's letters, he would judge that his make-up is very much like the subject's. He stated that he is very cynical, and he judges that SAMUEL would be extremely hard to get along with.

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R 28 NOV 22 1960

DECLASSIFIED BY 4917
 ON 8-1-78

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COPIES OF THIS REPORT		7 JUL 19 1954	INDEXED - 72 811-73
5 - Bureau (65-59312) (RM)			
3 - New York (65-15367) (RM)			
2 - Indianapolis (65-2212)			

72

IP 65-2212

T-1 stated that the subject's wife in her letters to the subject has made no mention of his present situation, his past sentence, activities or his future plans. All she writes about, according to T-1 is their immediate family problems. T-1 states that their letters mention the baby and no mention is made of their older child. T-1 stated that he detected quite a degree of friction existing between the subject's wife and his mother. It seems that the subject's mother refuses to help subject's wife take care of the children and that she refused to "baby sit." T-1 stated that it is impossible to judge her attitude because no comments are made about anything other than her home family problems.

T-1 stated that subject's wife, HENRIETTA PERL, now resides in care of RODEWALD, North Greenbush, Road, West Nyack, New York.

- R U C -

IP 65-2212

ADMINISTRATIVE PAGE

The following information is being furnished for the Bureau and the New York Office for what value and purpose they deem fitting; Warden MADIGAN advised that the subject is very close-mouthed and has nothing to do with other inmates at that penitentiary, except [REDACTED]. Both are shrewd and intelligent. Both are seeking a solution to his own problem. [REDACTED] is presently serving a long term at the United States Penitentiary at Terre Haute for treason and is attempting to obtain legal redress of grievances and to petition his case. [REDACTED] is using every means and device known to get out of prison or to get his sentence reduced.

b7c
b7c
b7c

INFORMANT

<u>Identity of Source</u>	<u>Date of Activity and/or Description</u>	<u>Date Received</u>	<u>Agent Receiving</u>	<u>Location</u>
T-1 is PAUL J. MADIGAN, Warden, U.S.P., Terre Haute, Indiana.	Information re WILLIAM PERL	6/17/54	LEO E. FORD	Indianapolis

REFERENCE

New York report of SA JOHN A. HARRINGTON,
dated May 27, 1954.